## STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE **DEPARTMENT OF HUMAN SERVICES**

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IN THE MATTER OF:			
	Reg. No.: Issue Nos.: Case No.: Hearing Date: County:	2012-6566 2006, 3008, 6019 December 8, 2011 Macomb (50-12)	
ADMINISTRATIVE LAW JUDGE: Jan Leventer			
HEARING DECIS	SION		
This matter is before the undersigned Administration and MCL 400.37 following Claimant's request telephone hearing was held on December 8, 2010 on behalf of Claimant included Claimant. Part Human Services (Department) included	for a hearing. 1, from Detroit, Mi	After due notice, a chigan. Participants	
<u>ISSUE</u>			
Did the Department properly $\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \$	application 🛚 cl	ose Claimant's case	
☐ Family Independence Program (FIP)? ☐ ☐ Food Assistance Program (FAP)? ☐ ☐ Medical Assistance (MA)? ☐ ☐	Adult Medical Ass State Disability As Child Developme	,	
FINDINGS OF F	<u>ACT</u>		
The Administrative Law Judge, based on the evidence on the whole record, finds as material fa	•	rial, and substantial	
Claimant    □ applied for benefits    □ received benefits for:			
☐ Family Independence Program (FIP). ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐		ssistance (AMP). Assistance (SDA). ent and Care (CDC).	

2.	On October 1, 2011, the Department closed Claimant's MA case due to failure to provide verification of income.			
3.	On October 9, 2011, the Department closed Claimant's FAP case due to failure to provide verification of income.			
4.	On November 1, 2011, the Department closed Claimant's CDC case due to excess gross income.			
2.	On September 20, 2011, and October 12, 2011, the Department sent Claimant Claimant's Authorized Representative (AR) notices of the denial. Closure.			
3.	On October 6, 2011, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ closure of her MA, FAP and CDC cases.			
	CONCLUSIONS OF LAW			
Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).				
☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, et seq. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.				
☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, Rule 400.3001 through Rule 400.3015.				
☐ The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105.				
☐ The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, <i>et seq</i> .				
☐ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA				

program pursuant to MCL 400.10,  $et\ seq.$ , and 2000 AACS, Rule 400.3151 through Rule 400.3180.

∑ The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, with regard to verification, Claimant testified she knew she could ask for the Department's help in obtaining verification but decided not to ask for the Department's help. With regard to gross income and Claimant's CDC benefits, at the hearing, the Department presented no proof as to how this conclusion was reached. Accordingly, it is found and determined that with regard to FAP and MA, Claimant refused to cooperate with the Department, and with regard to CDC, the Department should review and recalculate Claimant's income eligibility.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

 $\boxtimes$  properly closed Claimant's FAP and MA cases, and  $\boxtimes$  improperly closed Claimant's CDC case.

## **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department  $\boxtimes$  did act properly (FAP and MA).  $\boxtimes$  did not act properly (CDC).

Accordingly, the Department's FAP and MA decision is  $\boxtimes$  AFFIRMED and the Department's CDC decision is  $\boxtimes$  REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

- 1. Reinstate Claimant's CDC case;
- 2. Initiate procedures to review and recalculate Claimant's gross income for the purpose of redetermining eligibility for CDC benefits;
- 3. Initiate procedures to provide retroactive supplemental, and ongoing, CDC benefits to Claimant at the benefit level to which she is entitled.

4. All steps shall be taken in accordance with Department policy and procedure.

Jan Leventer

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: December 13, 2011

Date Mailed: December 13, 2011

**NOTICE**: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
  of the original hearing decision.
- A reconsideration MAY be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JL/pf

CC:

