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

#### IN THE MATTER OF:



 Reg. No.:
 2012-75207

 Issue No.:
 2006

 Case No.:
 December 6, 2012

 Hearing Date:
 December 6, 2012

 County:
 Wayne (82-35)

### ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

## **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on December 6, 2012, from Detroit, Michigan. Participants on behalf of Claimant included \_\_\_\_\_\_. Participants on behalf of the Department of Human Services (Department) included \_\_\_\_\_\_.

#### ISSUE

Due to a failure to comply with the verification requirements, did the Department properly  $\Box$  deny Claimant's application  $\boxtimes$  close Claimant's case  $\Box$  reduce Claimant's benefits for:

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Family Independence Program (FIP)? Food Assistance Program (FAP)? State Disability Assistance (SDA)? Child Development and Care (CDC)?

Medical Assistance (MA)?

# FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

- 1. Claimant applied for a was receiving: FIP FAP AMA SDA CDC.
- 2. Claimant was required to submit requested verification and redetermination paperwork by August 1, 2012.

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- 3. On September 1, 2012, the Department
  - denied Claimant's application.
  - $\boxed{}$  closed Claimant's case.
  - reduced Claimant's benefits .
- 4. On August 20, 2012, the Department sent notice of the
  - denial of Claimant's application.

 $\boxtimes$  closure of Claimant's case.

reduction of Claimant's benefits.

5. On August 31, 2012, Claimant filed a hearing request, protesting the

denial of claimant's application.

 $\boxtimes$  closure of Claimant's case.

reduction of Claimant's benefits.

## CONCLUSIONS OF LAW

Department policies are found 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 1997 AACS R 400.3101-3131. 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, *et seq.*, and 1997 AACS R 400.3001-3015

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development an	d Care (CDC) p	rogram is establish	ed by Titles IVA, IVE
and XX of the Social Security	/ Act, the Child	Care and Develop	ment 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 1997 AACS R 400.5001-5015.

Additionally, the evidence shows that Claimant failed to submit proper requested redetermination paperwork.

Claimant testified that, while she had been in the hospital until mid-August, Claimant did receive the paperwork in question at that time. Claimant never attempted to contact the Department to request an extension or notify the Department regarding her circumstances. Furthermore, instead of returning the paperwork in question as soon as possible, claimant failed to return the packet until September, which was far after her case had closed.

The undersigned, excepting extenuating circumstances, will only review whether the Department's action was correct using the information that they had in their possession at the time of the action. The Department was not made aware of Claimant's circumstances until after the action, although Claimant had ample time before case closure to let the Department know. As such, the Department had no knowledge of the circumstances at the time of the action and was correct to close the case.

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 properly improperly

 $\boxtimes$  closed Claimant's case.

denied Claimant's application.

] reduced Claimant's benefits.

#### **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  $\square$  did act properly  $\square$  did not act properly.

Accordingly, the Department's decision is  $\square$  AFFIRMED  $\square$  REVERSED for the reasons stated on the record.

Robert J. Chavez

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

Date Signed: January 7, 2013

Date Mailed: January 7, 2013

**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.

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 <u>MAY</u> 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

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