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

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		Reg. No.: Issue Nos.: Case No.:	2012-77349 1005, 2006, 3008, 6015
		Hearing Date: County:	November 21, 2012 Wayne (82-41)
ΑĽ	OMINISTRATIVE LAW JUDGE: Robert J. Chav	ez	
	HEARING DECIS	SION	
an tel Pa	is matter is before the undersigned Administration of MCL 400.37 following Claimant's request ephone hearing was held on November striction on behalf of Claimant included epartment of Human Services (Department) included	for a hearing. 21, 2012, from Participa	After due notice, a
	ISSUE		
pro	le to a failure to comply with the verification operly ☐ deny Claimant's application ☑ close one fits for:		
$\times$		State Disability As Child Developme	ssistance (SDA)? nt and Care (CDC)?
	FINDINGS OF FA	<u>ACT</u>	
	e Administrative Law Judge, based upon the idence on the whole record, including testimony		
1.	Claimant ☐ applied for ☒ was receiving: ☒F	IP ⊠FAP ⊠MA [	□SDA ⊠CDC.
2.	Claimant was required to submit requested red 2012.	etermination pape	ers by September 4,
3.	On October 1, 2012, the Department ☐ denied Claimant's application. ☐ closed Claimant's case. ☐ reduced Claimant's benefits.		

4.	On September 5, 2012, the Department sent notice of the denial of Claimant's application.  Closure of Claimant's case.  reduction of Claimant's benefits.
5.	On September 13, 2012, Claimant filed a hearing request, protesting the denial of Claimant's application.  closure of Claimant's case. reduction of Claimant's benefits.
	CONCLUSIONS OF LAW
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM) and the Reference Tables Manual (RFT).
Re 42 Ag 31	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1997 AACS R 400.3101-31. FIP replaced the Aid to Dependent Children (ADC) program effective ctober 1, 1996.
pro im Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence lency) administers FAP pursuant to MCL 400.10, et seq., and 1997 AACS R 0.3001-3015
Se Th	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the Family Independence Agency) administers the A program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disability Assistance (SDA) program which provides financial assistance disabled persons is established by 2004 PA 344. The Department (formerly known the Family Independence Agency) administers the SDA program pursuant to MCL 0.10, et seq., and 1998-2000 AACS R 400.3151-400.3180.
an 19 Th an	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. e program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 d 99. The Department provides services to adults and children pursuant to MCL 0.14(1) and 1997 AACS R 400.5001-5015.

Claimant alleged that she did not receive a verification checklist that was sent requesting verification of income.

In May 2012, Claimant told her Jobs, Education and Training (JET) instructors that she was employed; a case note, submitted as Department Exhibit 3, reads that claimant "is working between two jobs." The Department was unaware that she was working and, thus, sent Claimant a verification checklist to resolve the income discrepancy in their records.

Claimant proceeded to tell the Department that she was not working and could not provide them information.

Whether or not Claimant was working, there was, at the least, a discrepancy in Claimant's eligibility data that needed to be resolved to continue benefits; therefore, per BAM 130, the Department was correct to request verification to resolve the discrepancy.

Claimant did not return any verification. While Claimant testified that she did not receive a verification checklist, the undersigned did not find Claimant's testimony credible; there is already a history of Claimant telling different stories to JET and the Department, Claimant apparently received all other documents, and provided no evidence or support to her testimony. Therefore, the Administrative Law Judge holds that Claimant did not return properly requested verification and had no good cause for her refusal to do so.

Thus, as no verification was returned, and as the Department needed that verification to determine continued eligibility, the Department was correct to close Claimant's full benefit 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 determined claimant's full benefit case improperly closed claimant's 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   ☐ did not act properly.
Accordingly, the Department's decision is $\boxtimes$ AFFIRMED $\square$ REVERSED for the reasons stated on the record.
Robert J. Chavez

Date Signed: January 4, 2013

Administrative Law Judge for Maura Corrigan, Director Department of Human Services Date Mailed: January 4, 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. (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 <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

## RJC/pf

