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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-78969 2006 December 19, 2012 Oakland (63-03)			
ADMINISTRATIVE LAW JUDGE: Robert J. Chav	ez				
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 19, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Participants on behalf of the Department of Human Services (Department) included Suzanne Aldridge and Darcy Reich.					
ISSUE					
Due to a failure to comply with the verification requirements, did the Department properly \boxtimes deny Claimant's application \square close Claimant's case \square reduce Claimant's benefits for:					
		ssistance (SDA)? nt and Care (CDC)?			
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 ☐ was receiving: ☐F	P □FAP ⊠MA [□SDA □CDC.			
 2. On June 20, 2012, the Department 					

3.	On June 20, 2012, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
4.	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
	partment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM) and the Reference Tables Manual (RFT).
Re: 42 Age 313	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) 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 tober 1, 1996.
pro imp Reg Age	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 oblemented by the federal regulations contained in Title 7 of the Code of Federal gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1997 AACS R 0.3001-3015
Sec	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 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.
and 199 The	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. The 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 filed an incomplete MA application on May 29, 2012. The Department spoke verbally with Claimant's authorized representative and asked for a completed application on June 5; this date was later extended, verbally, to June 15, 2012. On June 20, the Department denied the application for failing to submit a complete DHS-1171.

However, BAM 115 specifically instructs the Department to send a DHS-3503 when an incomplete application is filed.

While it is clear that both parties knew that a completed DHS-1171 needed to be submitted, this does not absolve the Department of the responsibilities under policy to send a DHS-3503. There is no such thing as "constructive" mailing of a DHS-3503.

The undersigned can only decide whether the Department followed policy in denying the application. As policy specifically requires the Department to send a DHS-3503 before denying an application, and because this policy was not followed, the Department was in error in denying the application in question.

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 denied Claimant's MA application improperly denied Claimant's MA application.
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 act properly ☐ did not act properly.
Accordingly, the Department's decision is \square AFFIRMED \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. Initiate reprocessing of the MA application in question.

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. (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

