

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-11568
Issue No.: 1005/2006/6021
Case No.: [REDACTED]
Hearing Date: January 12, 2012
County: Calhoun

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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, an in-person hearing was held on January 12, 2012, in Calhoun County, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close Claimant's case for Family Independence Program (FIP), Medical Assistance (MA) and Child Development and Care (CDC)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was receiving benefits for the Family Independence Program (FIP), Medical Assistance (MA), and Child Development and Care (CDC).
- (2) On October 24, 2011, the Department sent Claimant notice of the closure.
- (3) On November 1, 2011, the Department closed Claimant's case due to non-cooperation with the fee agent from the Office of Inspector General, sent to Claimant's home to determine whether the father of her children was living in the household.

- (4) On November 3, 2011, Claimant filed a hearing request, protesting the closure of her benefit cases. Because Claimant's hearing request was timely, the benefits were reinstated pending the outcome of the hearing.

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, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 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, R 400.5001 through Rule 400.5015.

In this case, Claimant provided the department with a copy of her savings and checking account statement. The statement was addressed to her and the father of her children at her address. She had crossed his name out. When asked why she had crossed his name out during the hearing, Claimant said she had "crossed off his name because I believed it would be a problem." Claimant stated that he was on the bank account so he could buy the children what they needed if she was unavailable.

The department called Claimant to clarify whether the father of her children was in fact living at her address. The father of her children answered the telephone, and denied living at the address. Claimant also told the department he was not living at the address.

Based on the father of Claimant's children answered the telephone in Claimant's residence and his name was on the bank statement addressed to Claimant's address, the department sent an OIG fee agent to Claimant's address to determine if the father of Claimant's children was living at her address.

Claimant invited the fee agent into her home. The fee agent observed what he believed to be men's shoes and clothing in the home. During the hearing, Claimant admitted that the father of her children was there everyday to see the kids, but she stated that he only spends the night one or two nights a week.

In addition, Claimant's mother testified that Claimant was afraid of the father of her children and he was abusive. She stated that the police had been called during the summer of 2011. When Claimant was asked if she had ever reported domestic abuse to the department she said, "no." At no time was there testimony as to how the allegations of domestic abuse explained whether or not the father of Claimant's children actually lived at her residence.

Based upon the bank statement in Claimant's and the father of her children's name, and the fact that the bank statement was addressed to Claimant's address, as well as Claimant's admissions during the hearing that the father of her children was there everyday, the Administrative Law Judge concludes that the Department properly closed Claimant's case for FIP, MA and CDC.

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.

Accordingly, the Department's FIP, MA, and CDC decision is AFFIRMED.

/s/

Vicki L. Armstrong
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/17/12

Date Mailed: 1/17/12

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 **MAY** 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

VLA/ds

