

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

IN THE MATTER OF:



Reg. No.: 2012-29375
Issue No.: 3008, 6021
Case No.: [REDACTED]
Hearing Date: February 29, 2012
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 [REDACTED], from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Case Manager).

ISSUES

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's Food Assistance Program (FAP) benefits?

Did the Department properly process Claimant's Child Development and Care (CDC) request for payment?

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 was receiving FAP at all relevant times.
2. On November 1, 2011, the Department mailed Claimant a Semi-Annual Contact Form (DHS-1046).
3. Claimant was required to complete and then return the requested Semi-Annual Contact Report by December 1, 2011 or her FAP benefits would close effective December 31, 2011.

4. On December 31, 2011, the Department sent notice to Claimant that her FAP case had closed for failure to return the Semi-Annual Contact form in a timely manner.
5. On January 11, 2012, Claimant filed a hearing request, protesting the FAP closure and indicating that her CDC provider had not been paid for services rendered.

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 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 Department of Human Services must periodically redetermine an individual's eligibility for active types of assistance (TOA). A complete redetermination is required at least every 12 months. BAM 210. The redetermination process includes thorough review of all eligibility factors. BAM 210. Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active benefits. BAM 210.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Verifications are considered timely if received by the date they are due. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

Here, the evidence in this matter reveals that Claimant failed to return the Semi-Annual Contact Form in a timely manner. Although Claimant attempted to call the Department on several occasions with questions about the Semi-Annual Contact Report and the Department failed to return those calls, Claimant was not relieved of the obligation to return the Semi-Annual Contact Form documents. The Department's computer system (Bridges) did not show that Claimant had previously provided the documents sought in the Semi-Annual Contact Form. Accordingly, based on the evidence in the record, this Administrative Law Judge finds that the Department acted properly when it closed Claimant's FAP for failure to return the Semi-Annual Contact Form.

Claimant also requested a hearing concerning the Child Development and Care (CDC) program. The 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 1997 AACRS R 400.5001-5015.

The Department failed to address Claimant's request for hearing regarding her CDC dispute. Claimant clearly requested a hearing regarding a dispute concerning payments to her child care worker. However, the Department has failed to provide any documentation in the hearing packet relating to Claimant's request for hearing concerning CDC benefits. Without any documentation in the hearing packet, the Administrative Law Judge is unable to make a reasoned, informed decision regarding the CDC issue at hand.

Accordingly, this Administrative Law Judge finds that with regard to the CDC issue, the Department has failed to carry its burden of proof and did not provide information necessary to enable this ALJ to determine whether the department followed policy as required under BAM 600.

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 closed Claimant's FAP case but did not act properly with regard to Claimant's CDC request for hearing.

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's actions are AFFIRMED-IN-PART and REVERSED-IN-PART.

The Department did act properly with regard to Claimant's FAP benefits. Accordingly, the Department's decision concerning the FAP issue is AFFIRMED for the reasons stated above and for the reasons stated on the record.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, is unable to decide whether the Department acted in accordance with policy in determining Claimant's CDC provider payment dispute. Therefore, the Department's determination regarding Claimant's CDC is REVERSED and the Department is hereby instructed to do the following within 10 (ten) days.

The Department shall process any and all requests for payment provided by Claimant's

CDC provider to the extent that the CDC provider meets all requirements set forth in policy and to the extent the Claimant and/or the provider is otherwise eligible.

IT IS SO ORDERED.

/s/ _____
C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 3/5/12

Date Mailed: 3/5/12

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CAP/ds

■ [REDACTED]