

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-3484
Issue No.: 2006; 3008
Case No.: [REDACTED]
Hearing Date: November 17, 2011
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 November 17, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] Family Independence Manager, and [REDACTED], Assistant Payment worker.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> 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 applied for benefits received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On November 1, 2011, the Department
 denied Claimant's application closed Claimant's case
due to inability to locate Claimant.
3. On September 27, 2011, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On October 4, 2011, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

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, Rule 400.3101 through Rule 400.3131. 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 1999 AC, Rule 400.3001 through Rule 400.3015.

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 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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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

□ 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, Rule 400.5001 through Rule 400.5015.

Additionally, in this case, the Department testified that it closed Claimant's MA and FAP cases because it did not have an address on file for the place Claimant actually lived. Claimant's address on file with the Department was on [REDACTED], the residence of Claimant's grandmother. Claimant's grandmother and uncle, who lived in the home, stated, and Claimant herself admitted, that Claimant did not live on [REDACTED]. Claimant credibly testified that she moved around from place to place and did not have a place where she consistently lived. A homeless person is an individual who lacks a fixed and regular nighttime dwelling or whose temporary nighttime dwelling is the home of another. BEM 220. Thus, Claimant qualified as homeless under Department policy.

In situations involving a homeless client, the Department must use the local office address or another location agreeable to the individual as the mailing address on file with the Department. BEM 220. A client's temporary mailing address should not be designated as the individual's physical address. BEM 220. Claimant credibly testified that she used the [REDACTED] address that was on file with the Department for receipt of mail and believed she was receiving all the mail sent to her at the Faust address, noting that she had received the Notice of Case Action closing her FAP and MA cases. While the Department testified that Claimant's mail was being returned to the Department, it produced evidence only that a Verification Checklist sent to Claimant at the [REDACTED] address had been returned.

Furthermore, Claimant credibly testified that she tried to change her [REDACTED] address to be her mailing address online but was not able to do so. She also testified that she had spoken to her worker on July 13, 2011, to explain the situation regarding her address but was told that the Department did not permit the use of mailing addresses. The Department may not deny assistance solely because the individual has no permanent dwelling or fixed address. BEM 220. Because Claimant was homeless and tried unsuccessfully to have the Department designate the [REDACTED] address as her mailing address, the Department did not act in accordance with Department policy when it closed Claimant's FAP and MA cases solely on the basis that Claimant did not have an address. While, for FAP purposes, a client may be considered homeless only for the first 90 days, the Department did not produce sufficient evidence concerning the length of time Claimant had been homeless. BEM 220.

At the hearing, the Department also testified that Claimant was ineligible for FAP benefits because she was a full-time student. However, the Department acknowledged that it was not aware of Claimant's student status until after the Notice of Case Action closing Claimant's case had been mailed out to her. Thus, the Department never considered Claimant's circumstances in determining whether she fit into any of the

criteria for FAP eligibility under BEM 245 despite her student status, particularly in light of the fact that she had an infant and was working. Thus, the Department could not rely on Claimant's student status as an alternative basis for closing her FAP 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 denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA 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. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated above and 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. Remove the negative actions closing Claimant's FAP and MA cases based on a failure to locate;
2. Issue supplements to Claimant for FAP benefits Claimant was entitled to receive, if any, from November 1, 2011, ongoing; and
3. Reinstate Claimant's MA coverage in accordance with Department policy from November 1, 2011, ongoing.


Alice C. Elkin
 Administrative Law Judge
 for Maura Corrigan, Director
 Department of Human Services

Date Signed: December 13, 2011

Date Mailed: December 13, 2011

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

ACE/ctl

cc: [REDACTED]
Wayne County DHS (17)/1843

A. Elkin
File