

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-47843
Issue No.: 2024
Case No.: [REDACTED]
Hearing Date: August 23, 2012
County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 August 23, 2012, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's request to add a group member close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input 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 on behalf of her daughter received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input 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 April 3, 2012, the Department
 denied Claimant's request for benefits for her daughter due to the daughter not residing in the home.
3. On April 3, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On April 11, 2012, 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 AACS, 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, only persons living with one another can be in the same MA group. BEM 211, pg 1 (2012).

While Claimant alleged that her daughter, whom she had requested be added to her MA group, lived in the home, the Administrative Law Judge did not find this allegation to be credible.

Claimant's daughter worked at a dorm at the [REDACTED]. Claimant's daughter's paychecks from that job showed residence in another dorm. Claimant argued that her daughter did not actually live in this dorm (which is located across the street from her employment), and instead commuted over 50 miles from the Claimant's address, because Claimant had "heard about the things that go on at college," and did not approve of her daughter living there.

Claimant also argued that her daughter retained possession of the dorm room but did not use the room, because it was paid for through a full scholarship--though it should be noted that a dorm room still requires a signed lease, regardless of whether that dorm room is paid for through scholarships, inferring that Claimant's daughter, at the very least, signed a dorm room lease indicating the intent to take up residence in the dorms.

The Administrative Law Judge does not find Claimant's arguments credible.

It has been said that extraordinary claims require extraordinary proof. Claimant has not presented that proof, much less proof that is relevant to the situation at hand.

As proof of her daughter not living in the dorm room that is located across the street from her employment, Claimant presented mailings and flyers from the [REDACTED] that were sent to Claimant's address. These included documents detailing financial aid, documents from Claimant's daughter's college at the [REDACTED], and a signed Department form from Claimant's daughter's academic advisor, listing the daughter's home address the same as Claimant's address.

These documents prove nothing and are not relevant to the case. Information on the upcoming school year, which at least three of the four documents are, would of course be sent to the daughter's home address and not the college address. Transcripts and the like are also sent to the home address. The crucial differentiation here is that a home address is not the address of the current residence. As any person who has ever resided in a dorm can tell you (including this Administrative Law Judge), just because you list your home address on official forms for the University, does not mean that you

are not residing in the dorms. A home address is kept for many reasons, not the least of which is the fact that your dorm address changes from year to year (and sometimes semester to semester), and the University needs a "permanent" address for which to send important documents. However, the existence of a permanent address does not mean one is residing at that address, and showing the existence of a permanent address in no way shows that one is not residing in the dorms.

With regard to the academic advisor statement, the Administrative Law Judge believes that the advisor merely listed the daughter's permanent home address on file, as is proper convention with these forms. This also does not provide proof that Claimant's daughter is living in the dorm.

Claimant also offered to provide other pieces of evidence that had no relevance to the issue at hand, including odometer mileage. The Administrative Law Judge declined to admit this into evidence, as the mileage on an odometer has no bearing as to Claimant's daughter's place of residence.

The evidence at hand shows that Claimant's daughter was living in the dorms at the [REDACTED] at the time of application. Paychecks showed Claimant's daughter had a campus address, which raises a presumption that Claimant's daughter lives at that address. No evidence has been submitted that rebuts that presumption. Claimant's submitted evidence was not particularly relevant to the case at hand and did nothing to rebut the presumption.

As such, the Administrative Law Judge holds that the Department was correct to deny Claimant's daughter MA benefits under the group, as she was not living with or a member of the application group.

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

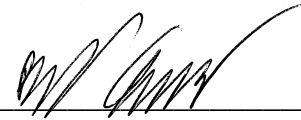
for: AMP FIP FAP MA SDA CDC.

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 on the record.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 29, 2012

Date Mailed: August 29, 2012

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

RJC/pf

cc:

