

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

IN THE MATTER OF:



Reg. No.: 201262192
Issue No.: 1005; 3008
Case No.:
Hearing Date: August 15, 2012
County: Wayne (76)

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 August 15, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included , Family Independence Specialist.

ISSUE

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

- | | |
|--|---|
| <input checked="" 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 type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Direct Support Services (DSS)? | |

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 checked="" 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 type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |
| <input type="checkbox"/> Direct Support Services (DSS). | |

2. On July 1, 2012, the Department
 denied Claimant's application closed Claimant's case
due to failure to provide requested verifications.
3. On an unestablished date in July 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On June 27, 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, R 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, R 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, R 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, R 400.5001 through Rule 400.5015.

Direct Support Services (DSS) is administered by the Department pursuant to MCL 400.57a, et. seq., and Mich Admin Code R 400.3603.

Additionally, when a client's physical case record cannot be located, the Department must have the client sign a new application and obtain sufficient verifications and documentation to support the eligibility determination. BAM 305. In this case, the Department testified that Claimant's physical case file had been misplaced and, in an attempt to reconstruct the case, the Department sent Claimant a Verification Checklist (VCL) on May 30, 2012, requesting that Claimant submit a number of documents by June 11, 2012, to reestablish her eligibility for Department benefits. When Claimant failed to timely respond, the Department closed Claimant's FIP and FAP cases as of July 1, 2012.

At the hearing, Claimant testified that she had not returned the documents because she had not received the Shelter Verification form (DHS-3688) that was checked off on the VCL as one of the documents that needed to be returned. Claimant credibly testified that she had called the Department several times prior to the June 11, 2012 due date to have the form sent to her so she could have her landlord complete it and she could then submit all of the completed documents together, but no one responded to her calls. While a client must obtain required verification, the Department must assist if the client needs and requests help. BAM 130. Claimant established that she had sought assistance but did not receive it. Because the VCL provided that if Claimant did not get the proofs requested to the Department or call by the due date, her case could be closed, Claimant's concerns about obtaining and having the Shelter Verification form completed were legitimate. Although the Department worker testified at the hearing that the Shelter Verification form was not essential to determining Claimant's ongoing benefit eligibility and Claimant could have provided other documentation to verify her shelter expenses, she acknowledged that the VCL indicated that a Shelter Verification form needed to be completed and submitted to the Department. Claimant credibly testified that in the past she had always had her landlord complete a shelter verification and therefore believed her case could not be processed without this completed form. Under these circumstances, the Department did not act in accordance with Department policy when it closed Claimant's FIP and FAP cases based on Claimant's failure to timely return the requested verifications.

Furthermore, Claimant was denied timely notice of the case closure and, as a result, her case was prematurely closed. Claimant was entitled to timely notice of the negative action closing her FIP and FAP cases. See BAM 220. A timely notice is mailed at

least 11 days before the intended negative action takes effect to allow the client an opportunity to react to the proposed action. BAM 220.

In this case, although the Department did not produce a copy of the Notice of Case Action closing Claimant's cases, it testified that the Notice was sent to Claimant sometime in July 2012. Because Claimant's FIP and FAP cases closed effective July 1, 2012, Claimant was denied timely notice of the case closures. The Department acknowledged that Claimant brought in all of the documentation specified on the VCL other than the Shelter Verification at the July 3, 2012, prehearing conference but, because Claimant's FIP and FAP cases had closed as of July 1, 2012, there was nothing that could be done. Had Claimant been provided with timely notice of her case closures, the documentation she presented at the July 3, 2012, prehearing conference would have been provided before the negative action effective date and would have resulted in the deletion of the negative action. See BAM 220.

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 DSS.

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 DSS decision is AFFIRMED 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. Reinstate Claimant's FIP and FAP cases as of July 1, 2012;
2. Issue supplements to Claimant for any FIP and/or FAP benefits she was eligible to receive but did not from July 1, 2012, ongoing; and
3. Notify Claimant in writing of its decision in accordance with Department policy.


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

Date Signed: August 22, 2012

Date Mailed: August 22, 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

ACE/hw

cc:

