

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-65243
Issue Nos.: 1000, 2015, 3015
Case No.: [REDACTED]
Hearing Date: August 22, 2012
County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 22, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

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 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 Family Independence Program (FIP) and Medical Assistance (MA) benefits and received benefits for the Food Assistance Program (FAP)
2. On June 27, 2012, the Department denied Claimant's FIP and MA application and closed Claimant's FAP case for the following reasons:

- a. First, with regard to Claimant's June 7, 2012 FIP application, Claimant's application was denied because one of the children in his family group was not enrolled in school as required by Department policy.
 - b. Second, with regard to Medicaid, Claimant's two children are covered, and at some point Claimant himself was denied MA coverage for unknown reasons.
 - c. Third, with regard to FAP, Claimant's FAP benefits for himself began June 2, 2012. On July 7, 2012 Claimant requested FAP benefits for his three children but failed to provide verification of income. Accordingly Claimant's FAP benefits were closed effective September 1, 2012, and the FAP benefits for the children were denied.
3. On July 16, 2012, Claimant filed a hearing request, protesting the denial of the FIP and MA application and closure of the FAP 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 AACRS, 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.

First, with regard to Claimant's June 7, 2012, FIP application, Claimant's application was denied because one of the children in his family group was not enrolled in school as required by Department policy. The testimony at the hearing established that the child in question, Claimant's sixteen-year-old niece, was in Yemen and school was in recess for the summer. As a result of learning this information, the Department agreed to reinstate Claimant's FIP case and process the application.

Second, with regard to MA, Claimant's two children are covered (the third child is no longer in the home), and at some point, Claimant himself was denied MA coverage. The Department at the hearing agreed that Claimant might be eligible for one or more MA programs. Claimant, for his part, agreed that he would reapply and an eligibility determination could then be made.

Third, with regard to FAP, Claimant's benefits began June 2, 2012, for himself only. On July 7, 2012, Claimant requested FAP benefits for his three children, but failed to provide verification of income. Accordingly, Claimant's FAP benefits were closed effective September 1, 2012, and the FAP benefits for the children were denied. Claimant agreed that he had no verification of income to present at the hearing, but was willing to reapply for FAP benefits and obtain income verification.

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 MA application and properly closed Claimant's FAP case.

In regard to the FIP program, the Department agreed to do the following: reinstate Claimant's June 7, 2012, FIP application, process it, and provide benefits based on Claimant's eligibility. As a result of this settlement, Claimant no longer wishes to proceed with the hearing on the FIP benefits question. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the FIP facts and issues in this case.

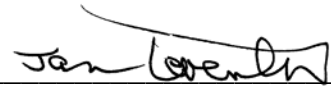
DECISION AND ORDER

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 with regard to Claimant's FAP and MA case

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

WITH REGARD TO THE FIP PROGRAM, 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 June 7, 2012, application for FIP benefits.
2. Initiate procedures to process the application and decide whether Claimant is eligible for benefits, and if so, what the benefit level shall be.
3. Initiate procedures to provide retroactive and ongoing FIP benefits to Claimant at the benefit level to which he is entitled.
4. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 28, 2012

Date Mailed: August 28, 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.

2012-65243/JL

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

JL/pf

cc:

