

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-67674  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: September 4, 2012  
County: Wayne (82-15)

**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 September 4, 2012, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Due to a failure to comply with the verification requirements, did the Department properly  deny Claimant's application  close Claimant's case  reduce Claimant's benefits for:

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

**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  applied for  was receiving: FIP FAP MA SDA CDC.
2. Claimant was required to submit requested verification by February 6, 2012.

3. On February 16, 2012, the Department
  - denied Claimant's application.
  - closed Claimant's case.
  - reduced Claimant's benefits .
  
4. On February 16, 2012, the Department sent notice of the
  - denial of Claimant's application.
  - closure of Claimant's case.
  - reduction of Claimant's benefits.
  
5. On July 18, 2012, Claimant filed a hearing request, protesting the
  - denial of claimant's application.
  - closure of Claimant's case.
  - reduction of Claimant's benefits.

### **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 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 1997 AACS R 400.3101-3131. 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 1997 AACS R 400.3001-3015

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

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 1997 AACRS R 400.5001-5015.

It should be noted that the Department alleged that Claimant's hearing request was past the 90-day time limit prescribed by BAM 600 to request a hearing. The Administrative Law Judge finds that Claimant's request was still timely.

Claimant originally requested a hearing on this issue shortly after the original notice of negative action. A hearing was scheduled on April 10, 2012, and a notice of hearing was sent to Claimant for a hearing date of April 30, 2012. On April 18, 2012, this notice of hearing was returned as undeliverable. On April 30, Claimant did not appear for the scheduled hearing. Claimant's hearing request was dismissed on May 1, 2012; this dismissal was also returned as undeliverable on May 7, 2012.

According to Claimant's testimony, she moved in mid-May and changed her address with the Department in June. The Department confirmed this testimony. Claimant requested a second hearing on July 18, 2012, stating that she had seen her caseworker twice "and he said he would do something about it and I still do not have any food stamps and it is July." According to this hearing request and Claimant's testimony, Claimant was not even aware that her hearing had already been dismissed, and had been waiting for a notice of hearing. Claimant submitted a second hearing request because she had not received her first hearing yet. Claimant had trouble receiving her mail.

Therefore, based on this situation, and given that Claimant was not aware of her first hearing and filed the second hearing request in order to spur action on her first hearing request, the undersigned holds that Claimant's hearing request was merely a reiteration of the first, timely hearing request. As such, Claimant's hearing request was timely. Furthermore, as Claimant did not receive notice of her first hearing and missed that hearing through no fault of her own, this hearing may proceed to give Claimant a fair hearing with regard to her original grievance.

The Department argued that Claimant had not turned in documentation necessary to determine eligibility. The verifications in question were shelter and asset verifications, which are needed to determine FAP eligibility. BEM 400 (2012), BEM 554 (2011). No evidence of returned verification was found in the case file. Claimant alleged that she had returned verification shortly after her initial interview when her caseworker had notified her verbally of what would be needed.

After some discussion, Claimant stated that she had returned the verification sometime between January 23, 2012, and January 27, 2012, and had signed the lobby log book when returning this verification. These logs were submitted into evidence as Claimant Exhibit A.

However, after a careful review of these logs, the Administrative Law Judge is unable to find Claimant's name. Claimant presented no other evidence regarding the verifications.

Therefore, as there is no evidence of returned verifications in the file, and as Claimant's evidence did not show that she returned the verifications in question, the Administrative Law Judge must hold that Claimant did not return the verifications in question.

As the Department required these verifications to determine eligibility, and as Claimant did not return these verifications, the Department was correct when it chose to deny the application in question, per BAM 130.

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     improperly

closed Claimant's case.

denied Claimant's application.

reduced Claimant's benefits.

### **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 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: September 12, 2012

Date Mailed: September 12, 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.

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:

