

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

IN THE MATTER OF:



Reg. No.: 201276564
Issue No.: 2001; 3008
Case No.: [REDACTED]
Hearing Date: November 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 November 15, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's tenant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED], Family Independence Manager.

ISSUE

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

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input checked="" 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 type="checkbox"/> Family Independence Program (FIP). | <input checked="" 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 October 1, 2012, the Department
 denied Claimant's application closed Claimant's case
due to failure to verify requested information.
3. On August 27, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On September 7, 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 Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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 Mich Admin Code, R 400.3101 through R 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 Mich Admin Code, R 400.3001 through R 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 Mich Admin Code, R 400.3151 through R 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 Mich Admin Code, R 400.5001 through R 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, following a referral received by the Department that Claimant was living with Mr. Melvin Steen, the Front End Eligibility (FEE) agent from the Office of Inspector General investigated Claimant's living arrangement. Following the investigation, the Department sent Claimant an August 27, 2012 Notice of Case Action closing her AMP and FAP case effective October 1, 2012, for failure to verify information necessary to determine eligibility for the program.

Closure of AMP Program

A person about whom information necessary to determine eligibility is refused is not eligible for Medical Assistance (MA) coverage. BEM 211 (January 1, 2012), p 1.

In this case, the Department closed Claimant's AMP case because she failed to verify requested information, specifically information concerning her relationship with [REDACTED]. The Eligibility Determination Group (EDG) for AMP consists of the client and the client's spouse who lives with the client and does not receive Family Independence Program (FIP) or Refugee Assistance Program (RAP) benefits or a refugee matching grant. BEM 214 (January 1, 2010), p 2.

As a result of its investigation, the Department concluded that there was no evidence that Claimant and [REDACTED] were married to one another. At the hearing, both Claimant and [REDACTED] denied ever being married. Because any relationship between Claimant and [REDACTED] other than marriage would not affect Claimant's AMP eligibility, the Department did not act in accordance with Department policy when it closed Claimant's AMP case based on her failure to verify her relationship status.

Closure of FAP Case

The Department also closed Claimant's FAP case based on Claimant's failure to verify her living arrangement with [REDACTED]. Although spouses who are legally married and living together must be in the same group [BEM 212 (November 1, 2012), p 1], the FEE agent in this case did not uncover any evidence that Claimant and [REDACTED] were married, and at the hearing Claimant and [REDACTED] denied ever being married. Therefore, Claimant and [REDACTED] were not mandatory FAP group members based on their relationship.

A FAP group must also include all individuals who live together and purchase and prepare food together. BEM 212, p 5. The FEE investigation uncovered evidence that [REDACTED] and Claimant lived at the same address. However, the Department's notes of the investigation state that "Agent was unable to find evidence that parties are married or that they eat and prepare together." While the FEE agent concluded that Claimant had not been cooperative with the investigation, the agent's own report indicates that Claimant called her three times the same day she dropped off her card at Claimant's door. Although the case comments indicate that the FEE agent responded two separate times, leaving detailed messages for Claimant, Claimant testified at the hearing that she spoke to the agent who advised her that she needed to talk to [REDACTED]. [REDACTED]. At the hearing, [REDACTED] denied receiving any calls from the FEE agent. The FEE agent did not appear at the hearing to counter Claimant's testimony. There was no evidence that Claimant obstructed the Department's investigation. The Department also verified that it did not send Claimant a Verification Checklist requesting information. Based on the foregoing evidence, the Department failed to establish that Claimant failed to verify requested information. Thus, the Department did not act in accordance with Department policy when it closed Claimant's FAP case for failure to verify, or allow the Department to verify, requested information.

Furthermore, at the hearing [REDACTED] explained that he lived at the same address as Claimant, but in an addition attached to the back of the home that had its own entrance. Claimant and [REDACTED] also testified that they purchased and prepared food separately.

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

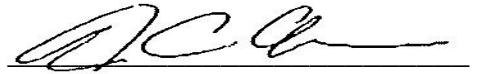
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
 did act properly. did not act properly.

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 FAP and AMP cases as of October 1, 2012;

2. Issue supplements to Claimant for any FAP benefits she was eligible to receive from October 1, 2012 ongoing; and
3. Provide Claimant with AMP coverage from October 1, 2012 ongoing.


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

Date Signed: 11/21/2012

Date Mailed: 11/21/2012

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:

