

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-8311
Issue No.: 2018; 3022
Case No.: [REDACTED]
Hearing Date: December 15, 2011
County: Wayne (41)

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 December 15, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, [REDACTED] Claimant's husband, and [REDACTED] Claimant's daughter and Authorized Hearing Representative (AHR). Participants on behalf of Department of Human Services (Department) included [REDACTED] Family Independence Specialist, and [REDACTED] Family Independence Manager.

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 checked="" 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 was not provided with a Redetermination form (DHS-1010).

3. Claimant was required to submit a completed redetermination by December 1, 2010.
4. On January 1, 2011, the Department
 - denied Claimant's application
 - closed Claimant's FAP case
 - reduced Claimant's benefitsfor failure to submit her redetermination form in a timely manner.
5. On February 1, 2011, the Department
 - denied Claimant's application
 - closed Claimant's MA case
 - reduced Claimant's benefitsfor failure to submit her redetermination form in a timely manner.
6. On December 16, 2010, the Department sent notice of the
 - denial of Claimant's application.
 - closure of Claimant's FAP and MA cases.
 - reduction of Claimant's benefits.
7. On February 11, 2011, Claimant filed a hearing request, protesting the
 - denial. closure. reduction.

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 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 (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 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, the Department must periodically redetermine an individual's continued eligibility for benefits. BAM 220. The Department testified that it sent Claimant a redetermination form (DHS 1010) on November 16, 2010, in connection with determining her continued eligibility for FAP and MA benefits. Claimant was required to (i) participate in an interview on December 1, 2010, and (ii) complete the redetermination form and provide the requested proofs by December 1, 2010. On December 16, 2010, the Department closed Claimant's FAP and MA cases based on Claimant's failure to return the completed redetermination form.

At the hearing, Claimant's AHR testified that Claimant had submitted the redetermination form to the Department on two separate occasions, one prior to the December 1, 2010, due date and the other on the morning of December 1, 2010. The first time, Claimant submitted the form in the drop box and signed the sign-in log. Claimant claimed that she became aware that the Department lost her first completed form when it sent her a notice advising her that she needed to submit the redetermination. Claimant's AHR testified that Claimant completed another redetermination form, went to the Department on the morning of December 1, 2010, and handed the redetermination form directly to the man at the front desk. Claimant did not sign in the sign-in log on this occasion. She then returned home to await the Department's phone interview, which was scheduled at 1:45 pm, but claimed she did not receive any such call.

The Department credibly testified that it was office policy that clients sign in the sign-in log any time they drop off material to the office and that, if a client submitted documents at the front desk, they would be redirected to the drop-off box and sign-in log. At the hearing, the Department reviewed the sign-in log for the period from November 16, 2010, when the redetermination form was sent to Claimant, and December 1, 2010, when the form was due, and found no signature by Claimant showing that she had submitted any documents during this period despite Claimant's claim that she signed the log the first time she submitted her completed redetermination. Based on the Department's finding that no redetermination form was submitted by Claimant and Claimant's failure to establish that she in fact did turn in the form, the Department acted in accordance with Department policy when it closed Claimant's FAP and MA cases

based on Claimant's failure to timely submit the completed redetermination form. BAM 210.

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

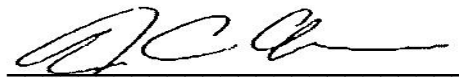
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated above and 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.



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

Date Signed: December 28, 2011

Date Mailed: December 28, 2011

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 receipt 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:

2012-8013

- 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/ctl

cc: [REDACTED]
Wayne County DHS (15)

A. [REDACTED]
File Elkin