

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

IN THE MATTER OF:



Reg. No.: 20128404
Issue No.: 3019
Case No.: [REDACTED]
Hearing Date: November 30, 2011
County: Wayne (57)

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 30, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. 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 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 Semi-Annual Contact Report (DHS 1046).

3. Claimant was required to complete and submit the Semi-Annual Report by September 1, 2011.
4. On October 1, 2011, the Department
 - denied Claimant's application
 - closed Claimant's case
 - reduced Claimant's benefitsfor failure to submit verification in a timely manner.
5. On October 21, 2011, the Department sent notice of the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.
6. On October 24, 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 of Human Services must periodically redetermine an individual's eligibility for active cases. BAM 220. The redetermination process includes a thorough review of all eligibility factors. BAM 220.

In this case, the Department sent Claimant a Redetermination (DHS-1010) on July 13, 2011, requiring Claimant to complete and submit the form by August 5, 2011, and participate in an in-person interview on August 5, 2011. The Department acknowledged that Claimant timely completed and submitted the Redetermination and participated in an in-person interview. Based on the information Claimant provided, the Department confirmed Claimant's continued eligibility for benefits.

On August 1, 2011, the Department sent Claimant a Semi-Annual Contact Report (DHS-1046). Upon receipt of the document just days after she had completed her August 5, 2011, redetermination, Claimant credibly testified that she contacted the Department to ask whether she was required to complete this form in light of her recent redetermination. Although at the hearing the Department denied that it would excuse a client from completing a Semi-Annual Report, it conceded that there may have been some miscommunication between the parties on this matter. Based on her conversation with the Department, however, Claimant concluded that she was not required to complete and submit the Semi-Annual Report. The Department subsequently closed Claimant's FAP case based on her failure to return the completed Semi-Annual Report.

Although at the hearing the Department testified in a manner suggesting that both the Redetermination and the Semi-Annual Report concerned Claimant's FAP benefits, a review of the evidence subsequent to the hearing shows that the Redetermination form was required in connection with determining Claimant's continued eligibility for Medicaid and cash assistance while the Semi-Annual Report was required in connection with determining Claimant's continued eligibility for FAP benefits. The Department has the responsibility to protect client's rights and explain client responsibilities in understandable terms. BAM 105. As the Department acknowledges, the Semi-Annual Contact Report requested basically the same information Claimant had just provided to the Department. In fact, a review of the two forms reveals that the Redetermination form requests more detailed information than the Semi-Annual Report. Based on the fact that she had just provided the information requested on the Semi-Annual Report during her redetermination and based on her understanding of her conversation with the Department after she received the Semi-Annual Report, Claimant could, in good faith, assume that she was not required to complete and submit the Semi-Annual Report.

based on her recent participation in the redetermination process. Under the circumstances in this case, the Department improperly closed Claimant's FAP case.

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. Remove the negative action closing Claimant's FAP case effective October 1, 2011; and
2. Issue supplements to Claimant for FAP benefits Claimant was entitled to receive, but did not, from October 1, 2011, ongoing.


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

Date Signed: December 16, 2011

Date Mailed: December 16, 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:

- 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 (57)/1843

[REDACTED]
A. Elkin
File