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

IN THE MATTER OF:

	Reg. No.: Issue Nos.: Case No.: Hearing Date: County:	2012-73143 1022; 2018 December 3, 2012 Wayne (82-43)		
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 selephone hearing was held on December 3, 2012, from Detroit, Michigan. Participants on behalf of Claimant included . Participants on behalf of the Department of Human Services (Department) included .				
<u>ISSUE</u>				
Did the Department properly $oxtimes$ deny Claimant's application $oxtimes$ close Claimant's case for:				
☐ Family Independence Program (FIP)?☐ Food Assistance Program (FAP)?☐ Medical Assistance (MA)?		sistance (AMP)? ssistance (SDA)? ent 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:				
Claimant ⊠ applied for benefits □ received benefits for:				
 ☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA). 	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).		

2.	On June 13, 2012, the Department ☐ denied Claimant's application ☐ closed Claimant's case due to Claimant's dependents being active on another case in another district.
3.	On June 13, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
4.	On August 20, 2012, Claimant filed a hearing request, protesting the \boxtimes denial of the application. \square closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro im Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.
Se Th Ag	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department of Human Services (formerly known as the Family Independence ency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 0.105.
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human rvices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, Rule 400.3151 through the 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 MCI
400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Claimant argued that the children in question were in her household, and she was the primary caretaker; therefore, the Department should have approved the application for FIP and MA because Claimant had dependents in the house. However, this application was denied, as the children were already receiving benefits on another case.

BEM 210 states:

When the number of days per month a child sleeps in the home of multiple caretakers is questionable or disputed, give each caretaker the opportunity to provide evidence of their claim. Base primary caretaker determination upon best available information and evidence supplied by the caretakers. BEM 210, p. 8 (2011).

Claimant was disputing the primary caretaker of the children in question; as such, Claimant needed to present evidence of her claim to being primary caretaker. The Department credibly testified that Claimant had been asked to present such evidence, and Claimant did not dispute receiving such a request.

However, in the current case, there is no evidence that Claimant presented evidence of a change of caretaker, or that evidence was ignored, and the application denied improperly. While Claimant testified that she had turned in this evidence two months prior to applying for benefits, the undersigned could find no rational reason Claimant had done this. Regardless, the Department did not have that evidence when required, and, thus, made a reasonable request for such evidence. Claimant further had no proof as of current that she was the primary caretaker and alleged that she had lost the evidence. These circumstances lead the undersigned to believe that Claimant's testimony was not credible and, thus, holds that Claimant never submitted proof of primary caretaker. Therefore, the Administrative Law Judge holds that the Department was not in error when it did not consider a change of caretaker for the children in question, as no evidence had been submitted that such a change could be made.

Based upon the above Findings of Fact a stated on the record, the Administrative Lav	nd Conclusions of Law, and for the reasons w Judge concludes that the Department
	improperly denied Claimant's application improperly closed Claimant's case
for: 🗌 AMP 🛛 FIP 🗌 FAP 🖾 MA 🗌 SD	OA CDC.

DECISION AND ORDER

of Law, and for the reasons stated on the record, finds that the Department \(\square \text{ did not act properly.} \)
Accordingly, the Department's \square AMP \boxtimes FIP \square FAP \boxtimes MA \square SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

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

Date Signed: January 7, 2013

Date Mailed: January 7, 2013

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 <u>MAY</u> 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.

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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

