

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

IN THE MATTER OF:



Reg. No.: 2013-12719
Issue Nos.: 1080, 6000
Case No.:
Hearing Date: April 24, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION AND ORDER OF DISMISSAL

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 April 24, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included , Family Independence Specialist.

ISSUE

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

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

1. Claimant applied for benefits received benefits for:

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

2. On August 12, 2012 (CDC) and December 1, 2012 (FIP), the Department
 denied Claimant's application closed Claimant's case
due to the state 48-month time limit for receipt of FIP benefits, and with regard to
CDC, because of the Claimant's failure to present updated income and expense
information .
3. On July 20, 2012 and October 31, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On November 13, 2012, Claimant filed a hearing request, protesting the
 failure of the Department to act on her new July, 2012 CDC application.
 closure of the case.

CONCLUSIONS OF LAW

Department policies are contained 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 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, Bridges Administrative Manual 600, "Hearings," permits customers to file a hearing request when there has been a delay of any action beyond the standards of promptness. Department of Human Services Bridges Administrative Manual (BAM) 600 (2012). In this case Claimant applied for CDC benefits in July, 2012, and the Department failed to notify her of its decision.

At the hearing the parties agreed that the July, 2012 application was approved and the issue was no longer pertinent. Accordingly, this issue will not be addressed in this decision.

With regard to FIP benefits, Bridges Eligibility Manual 234, "FIP Time Limits," states that a customer may not receive more than forty-eight months of FIP benefits. Department

of Human Services Bridges Administrative Manual (BAM) 234 (2013), p. 2. It is undisputed that Claimant received FIP benefits for forty-eight months. Accordingly, it is found and determined that the Department acted correctly in terminating Claimant's FIP benefits in this case, as she was no longer eligible for them.

With regard to the termination of Claimant's CDC benefits on August 12, 2012, Claimant requested a hearing to dispute the Department's action. Shortly after commencement of the hearing, Claimant testified she now understood and accepted the actions taken by the Department. Claimant also testified she did not wish to proceed with a hearing about CDC. The Department agreed to the dismissal of Claimant's hearing request on the CDC termination issue. Pursuant to MAC R 400.906(1), Claimant's hearing request is hereby DISMISSED with regard to the issue of CDC benefit termination.

Based on the above discussion, it is ORDERED that the CDC termination matter is DISMISSED pursuant to MAC R 400.906(1).

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
- properly closed Claimant's case
- improperly denied Claimant's application
- improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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 decision is AFFIRMED REVERSED for the reasons stated on the record.

IT IS FURTHER ORDERED THAT the Claimant's request for a hearing on the termination of CDC benefits is DISMISSED with the consent of the Claimant, and pursuant to MAC R 400.906(1).



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

Date Signed: April 29, 2013

Date Mailed: April 29, 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 **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 affect the substantial rights of the claimant:
 - 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

JL/tm

cc:

