

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

IN THE MATTER OF:



Reg. No.: 2013 15633
Issue No.: 3014,6015
Case No.:
Hearing Date: February 4, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 February 4, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and who appeared as a witness. Participants on behalf of the Department of Human Services (Department) included FIS.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly

- deny Claimant's application for Child Development and Care benefits?
- close Claimant's case for Food Assistance?

- Family Independence Program (FIP)?
- State Disability Assistance (SDA)?
- Food Assistance Program (FAP)?
- Child Development and Care (CDC)?
- 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 required to submit requested verification by 9/20/12.

3. On 9/21/12, the Department
- denied Claimant's application.
 - closed Claimant's case.
 - reduced Claimant's benefits.
4. On 9/21/12, the Department sent notice of the
- denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.

The Claimant was an ongoing recipient of Food Assistance (FAP) benefits. The claimant's FAP case closed November 1, 2012 when she moved back home with her mother. The Department issued a notice of case action on October 16, 2012 closing the Claimant's FAP case.

The Claimant is 21 years of age and if living with her mother is required to be a member of her mother's FAP group.

The Department included the Claimant and her two children in her mother's FAP group effective November 1, 2012 and issued a FAP supplement to the Claimant's mother's group to cover the new group size due to the claimant being added.

The Department also issued FAP benefits to Claimant's mother in December 2012 which included the Claimant and her two children as a group member.

5. On October 21, 2012, Claimant filed a hearing request, protesting the
- denial of Claimant's application for CDC (Child Development and Care).
 - closure of Claimant's case for FAP (Food Assistance).
 - reduction of Claimant's benefits.

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 1997 AACSR 400.3101-3131. 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 1997 AACS R 400.3001-3015

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 1998-2000 AACS R 400.3151-400.3180.

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 1997 AACS R 400.5001-5015.

Additionally, the evidence presented at the hearing did not support that the verification sought by the Department regarding the Claimant's CDC application was received by the due date. No verification information was contained in the case file which was reviewed at the hearing and the CDC Provider verification in the hearing file was hand completed and dated October 22, 2012, the date of the Claimant's Request for Hearing. Exhibit 2. Under these facts it is determined that the verifications were not received by the due date and thus the Department correctly denied the Claimant's application. The Claimant may reapply for CDC at any time.

The Department closed the Claimant's FAP case when she moved back into her mother's home as of November 1, 2012. Department policy was followed in this instance as the Department is required to close the case under these circumstances once the Claimant began living with her mother again. Department policy found in BEM 212 supports this action, it provides:

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First, determine if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately.

Parents and their children **under** 22 years of age who live together **must** be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group.

For ongoing and intake applications where the child(ren) are not yet 22, they are potentially eligible for their own case, the month after turning 22. Bridges Eligibility Manual (BEM) 212, pp 1, (11/1/12).

The evidence also established that the FAP benefits as calculated for November and December 2012 properly included the Claimant and her two children who were included in the FAP group.

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 FAP case.

denied Claimant's CDC 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 on the record.



Lynn M. Ferris

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

Date Signed: February 13, 2013

Date Mailed: February 13, 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 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

Re consideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

LMF/cl

cc:

