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

#### IN THE MATTER OF:



 Reg. No.:
 201316483

 Issue No.:
 3008

 Case No.:
 January 16, 2013

 Hearing Date:
 January 16, 2013

 County:
 Oakland (02)

## 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 Claim ant's request for a hearing. After due notice, a telephone hearing was held on J anuary 16, 2013, from Detroit, Michigan. Participant s on behalf of Claimant includ ed Claimant and Participants on behalf of Department of Human Server ices (Department) included Assistance Payment Supervisor, and Assistance Payment Worker.

### ISSUE

Did the Departm ent properly deny Claiman t's application 🛛 close Claimant's case for:

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Family Independence Program (FIP)? Food Assistance Program (FAP)?

Medical Assistance (MA)?

Direct Support Services (DSS)

Direct Support Services (DSS)?

Adult Medical Assistance (	AMP)?
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State Disability Assistance (SDA)?

Child Development and Care (CDC)?

# FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

1. Cla imant applied for benefits received benefits for:

Family Independence Program (FIP).

Food Assistance Program (FAP).

Medical Assistance (MA).

Direct Support Services (DSS).

Adult Medical Assistance (AMP).

State Disability Assistance (SDA).

Child Development and Care (CDC).

- On December 1, 2012, the Department
   denied Claimant's application
   due to failure to complete interview requirements for the redetermination.
- 3. On December 6, 2012, Claimant filed a hearing request, protesting the ☐ denial of the application. ⊠ closure of the case.

### CONCLUSIONS OF LAW

Department policies are contained in the Br idges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

☐ The Family Independence Program (FIP) was established purs uant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistanc e Program (FAP) [for merly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amend ed, 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, R 400.3001 through Rule 400.3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independ ence Agency) administers the MA program pursuant to MCL 400.10, *et seq*., and MC L 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq*.

The State Disabilit y Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The D epartment of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400. 3151 through Rule 400.3180.

The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE and XX of the Soc ial Security Act, the Ch ild Care and Developm ent 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 Fede ral Regulations, Parts 98

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and 99. The Depart ment provides servic es to adults and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

Direct Support Services (DSS) is adminis tered by the Department pursuant to MCL 400.57a, et. seq., and Mich Admin Code R 400.3603.

Additionally, a client must complete a redet ermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210 (November 1, 2012), p 1. FA P benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit per iod is certified. BAM 210, p 2. A client's FAP redetermination includes a te lephone interview with the Depart ment. BAM 210, p 3.

The evidence at the hearing established that the Department called Claimant on the scheduled date for the interview but about two hours later than the time indicated on the redetermination. When Claimant did not respond, the Department left Claimant a voicemail message. Messages were ex changed between t he Department and Claimant, with the Department I eaving its last message to Claimant on November 19, 2012. The foregoing facts showing that the Department called Claimant later than the time indic ated on her redetermination and that Claimant made several calls to the Department in an attempt to reschedule the interview establis h that Claimant made reasonable attempts to cooperat e with the Department. See BAM 105 (November 1, 2012), p 5. Accordingly, t he Department did not act in accordance with Department policy when it clos ed Claimant's FAP c ase for failure to complete the redet ermination process.

Based upon the abov e Findings of Fact and Co nclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly closed Claimant's case

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

for:  $\square$  AMP  $\square$  FIP  $\square$  FAP  $\square$  MA  $\square$  SDA  $\square$  CDC  $\square$  DSS.

### **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.  $\boxtimes$  did not act properly.

Accordingly, the Department's AMP FIP K FAP AA SDA CDC DSS decision is  $\square$  AFFIRMED  $\boxtimes$  REVERSED for the reasons stated 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. Reinstate Claimant's FAP case effective December 1, 2012;

2. Begin reprocessing Claimant's FAP redetermination, including rescheduling the phone interview, in accordance with Department policy;

3. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from December 1, 2012, ongoing; and

4. Notify Claimant in writing of its decision in accordance with Department policy.

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

Date Signed: January 24, 2013

Date Mailed: January 24, 2013

**NOTICE:** Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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, math ematical error, or other obvious errors in the he aring 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

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