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:	2013-18000 1018, 3015, 6019 February 7, 2013 Wayne (15)
ADMINISTRATIVE LAW JUDGE: Jan Levent	ter	
HEARING DI	<u>ECISION</u>	
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 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included Training, Hope (PATH) Case Manager.		
ISSU	<u>E</u>	
Did the Department properly $igtimes$ deny Claimant's application $igsqcup$ 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 C	OF FACT	
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:		
 Claimant	ed benefits for:	
☐ Family Independence Program (FIP).☐ Food Assistance Program (FAP).☐ Medical Assistance (MA).	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).

\geq	On September 18, 2012, the Department denied Claimant's case denied Claimant's application denied Claimant's case denied Claimant's case denied Claimant's case denied Support, and excess income.
\geq	On September 18, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) otice of the denial. closure.
	On September 27, 2012, Claimant filed a hearing request, protesting the denial of the application. closure of the case.
	CONCLUSIONS OF LAW
	artment policies are contained in the Bridges Administrative Manual (BAM), the ges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Resp 42 U Agen throu	The Family Independence Program (FIP) was established pursuant to the Personal consibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, JSC 601, et seq. The Department (formerly known as the Family Independence ncy) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ugh Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program etive October 1, 1996.
progr imple Regu Agen	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ram] is established by the Food Stamp Act of 1977, as amended, and is emented by the federal regulations contained in Title 7 of the Code of Federal ulations (CFR). The Department (formerly known as the Family Independence ncy) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 3001 through Rule 400.3015.
and 2 1990 The pand 9	The Child Development and Care (CDC) program is established by Titles IVA, IVE XX of the Social Security Act, the Child Care and Development Block Grant of 0, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 99. The Department provides services to adults and children pursuant to MCL 14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, at the hearing Claimant testified he was never contacted by the Office of Child Support, and never failed to communicate with that office. The Department presented no evidence to indicate that the Claimant was noncooperative with the Office of Child Support.

Bridges Eligibility Manual 255 (2011), "Child Support," requires customers to comply with all requests from the Office of Child Support with regard to paternity and child support enforcement issues. Department of Human Services Bridges Eligibility Manual (BEM) 255 (2011).

In this case the Department presented no evidence to show that it requested information from Claimant, while the Claimant's testimony is that he was never contacted for information. Based on this testimony of record, and all of the evidence in this case taken as a whole, it is found and determined that the Department failed to contact Claimant for information, thereby failing to protect the client's rights to benefits. The Department shall be reversed.

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 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 \square AMP \boxtimes FIP \boxtimes FAP \square MA \square SDA \boxtimes CDC decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.		
☑ THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTIONS WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:		
 Reinstate Claimant's FIP, FAP and CDC application dated September 13, 2012. Delete the Department's determination of noncooperation with child support from consideration of the application. 		
3. Determine Claimant's eligibility for FIP, FAP and CDC and the appropriate benefit levels for each program.		
4. Provide retroactive and ongoing FIP, FAP and CDC benefits to Claimant at the benefit levels to which he is entitled.		
 All steps shall be taken in accordance with Department policy and procedure. 		
Jan (mentin)		

Date Signed: February 7, 2013

Date Mailed: February 8, 2013

Jan Leventer

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

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.

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

