

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

**IN THE MATTER OF:**



Reg. No.: 201322431  
Issue No.: 3008; 2006  
Case No.: [REDACTED]  
Hearing Date: February 6, 2013  
County: Eaton County DHS

**ADMINISTRATIVE LAW JUDGE:** Susanne E. Harris

**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 6, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly take action to close the Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) cases?

**FINDINGS OF FACT**

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

1. On October 15, 2012, the Claimant completed a re-determination application for MA.
2. On December 19, 2012, the Department sent the Claimant a DHS, 3503 Verification Checklist requesting verification of amounts in the Claimant's checking and savings accounts. The verifications were due on January 2, 2103.
3. On January 3, 2013, the Department sent the Claimant a DHS, 1605 Notice of Case Action informing the Claimant that her MA and FAP cases would close on February 1, 2013.
4. On February 1, 2013, the Claimant's FAP and MA cases closed.
5. On January 8, 2013, the Department received the Claimant's written hearing request protesting the closure of her FAP and MA cases.

### 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 Mich Admin Code, R 400.3101 through R 400.3131. 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 Mich Admin Code, R 400.3001 through R 400.3015.

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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 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 Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 ACS, R 400.3151 through R 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 Mich Admin Code, R 400.5001 through R 400.5015.

The Claimant testified that she had submitted the verification in person with the previous worker. That worker logged onto the computer and into the Claimant's [REDACTED] [REDACTED] with the Claimant's authorization and assistance and printed out the verification needed. The Claimant testified that she subsequently received the verification checklist and called her worker to remind her worker that she had submitted it in person, but at that point, though she did not know it, the Claimant's worker had changed.

The Department testified that the Claimant had originally applied for MA and FAP on August 20, 2012. It was at that time that the Claimant gave permission for the Department worker to examine her checking and savings account on the computer. The Claimant then decided not to apply for FIP at that time and her case was then transferred to another worker. The subsequent requested verification, as the previous verification indicated that the checking and savings were still active and there was a new application for MA in October of 2012. At this point, the Claimant's case was again transferred to yet another worker. The Claimant's telephone calls therefore went unanswered as the previous worker was no longer there.

Bridges Assistance Manual (BAM) 130, p. 3 (2102) provides that the Claimant must obtain required verification, but the Claimant's worker must assist if they need and request help. In this case, the Claimant was unclear if she really needed to submit the verification, as she had just done so within the last two months. Therefore, the Claimant telephoned the department several times and her calls went unanswered. As such, the Administrative Law Judge finds that the Department did not act in accordance with departmental policy when taking action to close the Claimant's MA and FAP cases.

**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 when .  did not act properly when taking action to close the Claimant's MA and FAP cases.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  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. Initiate action to reinstate the Claimant's MA and FAP cases back to the date of closure.
2. Initiate action to issue the Claimant any supplements she may thereafter be due.

/s/  
Susanne E. Harris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 3/18/13

Date Mailed: 3/22/13

**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  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

SEH/cr

cc:

