

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-25759  
Issue No.: 6043  
Case No.: [REDACTED]  
Hearing Date: May 20, 2013  
County: Wayne (82-18)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 May 20 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Due to a failure to submit the completed redetermination, did the Department properly  
 deny Claimant's application  close Claimant's case  reduce Claimant's benefits  
for:

- |   |   |
|---|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Program (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 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 AMP SDA  
CDC.
2. Claimant  was  was not provided with a Redetermination (DHS-1010). Exhibit 1.

3. Claimant was required to submit a redetermination by August 1, 2012. Exhibit 1.
4. On October 20, 2012, the Department sent Claimant a Notice of Case Action notifying her that her CDC case closed effective November 4, 2012, ongoing, for failure to submit the completed redetermination in a timely manner. Exhibit 1.
5. Additionally, on October 20, 2012, a Child Development and Care Client Certificate/Notice of Authorization was sent to Claimant. Exhibit 1.
6. On October 20, 2012, a Child Care Provider Authorization was sent to Claimant's provider. Exhibit 1.
7. On January 17, 2013, Claimant filed a hearing request, protesting the closure. Exhibit 1.

### **CONCLUSIONS OF LAW**

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and 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 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 400.3001 through 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 (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 (formerly known

as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Rule 400.3151 through Rule 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 1999 AC, Rule 400.5001 through Rule 400.5015.

A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210 (October 2012), p. 1. A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 8. If the redetermination packet is not logged in by the negative action cut-off date of the redetermination month, the Department generates a DHS-1605, Notice of Case Action, and automatically closes the EDG. BAM 210, p. 9.

In this case, the Department sent Claimant a redetermination in connection with her continued eligibility for her CDC benefits. The redetermination was due on August 1, 2012. Exhibit 1. On October 20, 2012, the Department sent Claimant a Notice of Case Action notifying her that her CDC case closed effective November 4, 2012, ongoing, for failure to submit the completed redetermination in a timely manner. Exhibit 1. The Department did not receive a completed redetermination nor was the Department contacted by Claimant prior to November 4, 2012.

At the hearing, Claimant testified that she never received the redetermination nor did her provider receive the October 20, 2012, Child Care Provider Authorization documents. See Exhibit 1. Additionally, Claimant testified that neither she nor her provider contacted the Department regarding the CDC case closure until December of 2012. Claimant did have a different caseworker at the time the redetermination was due and that caseworker was not present for the hearing.

Additionally, Claimant contended that she did not receive the redetermination in the mail. The proper mailing and addressing of a letter creates a presumption of receipt which may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). Claimant testified that she does not have any issues receiving her mail at her residence. The Department testified that it did not receive any unreturned mail from Claimant's address.

Based on the foregoing information and evidence, it is found that Claimant failed to rebut the presumption of proper mailing. Because the redetermination was properly mailed and Claimant failed to submit a completed redetermination prior to August 1, 2012, the Department acted in accordance with Department policy when it closed Claimant's CDC case. BAM 210, pp. 1-9.

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 CDC case.
- denied Claimant's 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 above and 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 above and on the record.

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

Date Signed: May 31, 2013

Date Mailed: June 3, 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,

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- typographical errors, mathematical error, or other obvious errors in the hearing decision that affect 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

EJF/pf

cc:

