

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-40093
Issue Nos.: 1005, 2000, 3002
Case No.: [REDACTED]
Hearing Date: May 6, 2013
County: Wayne (82-57)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 6, 2012, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

FINDINGS OF FACT

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

1. Claimant applied for benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. Claimant was an ongoing FAP and MA recipient.
3. On March 21, 2013, the Department
 denied Claimant's application closed Claimant's case
due to Claimant's failure to attend orientation and failure to provide documentation
necessary to make a determination on a deferral based on Claimant's alleged
disability.
4. On an unverified date, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
5. On April 4, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services 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, Rule 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 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.

Claimant requested a hearing to dispute actions taken by the Department with regards to her MA, FIP and FAP cases. Soon after commencement of the hearing, Claimant testified that she understood and accepted the actions taken by the Department concerning her MA case and that she did not wish to proceed with a hearing concerning her MA case. The Department agreed to the dismissal of Claimant's hearing request

with respect to her MA. Pursuant to Mich Admin Code R 400.906(1), Claimant's hearing request is hereby DISMISSED.

Additionally, Claimant submitted an application for FIP benefits on February 26, 2013, and the Department conducted a face-to-face interview that same day. Claimant was given a Partnership.Accountability.Training.Hope. (PATH) Appointment Notice instructing her to attend orientation on March 8, 2013. Exhibit 2. On February 26, 2013, the Department mailed Claimant's husband a PATH Appointment Notice instructing him to attend orientation on March 8, 2013. Exhibit 3. At the interview, Claimant alleged that she and her husband both had certain medical conditions that would prevent them from participating in the PATH program as required under BEM 230A (January 2013). On February 26, 2013, the Department provided Claimant with a medical needs form that she was to have a doctor complete and return to the Department by March 6, 2013, so that the Department could determine if Claimant and her husband had verified disabilities, which are grounds for deferral from participation in the PATH program. BEM 230A, pp. 5-9.

On March 12, 2013, Claimant contacted the Department to inform them that she was unable to get a doctor's appointment until [REDACTED] and would not be able to submit the medical needs forms by the already expired due date. Claimant and her husband also did not attend their scheduled PATH appointments on March 8, 2013. As a result of not receiving the medical needs forms and Claimant and her husband's lack of attendance at orientation, the Department denied Claimant's February 26, 2013, application for FIP.

At the hearing, the Department testified that Claimant's prior FIP case was closed due to noncompliance without good cause. BEM 233A (January 2013). The Department stated, and Claimant verified, that in December 2012, with the case closure, a three-month penalty for noncompliance was imposed. Claimant's case was to remain in closure until April 1, 2013, when the penalty would be lifted. Because Claimant's application for FIP benefits was submitted on February 26, 2013, the Department should not have registered and processed the application during the penalty period. Therefore, the Department did not act in accordance with policy when it registered, processed and denied Claimant's application for FIP for a failure to attend orientation and a failure to provide documentation necessary for deferral from PATH. This error proves to be harmless, however, as Claimant's application should have been automatically denied until the penalty period had concluded and her eligibility for FIP benefits could be reevaluated at that time.

Further, the Department testified that Claimant's FAP benefits were reduced due to a previously determined noncompliance with FIP work-related activities without good cause. BEM 233B (January 2013). Claimant acknowledged that a three-month FIP sanction was imposed as of January 2013. As such, the removal of Claimant from her FAP group would result in the reduction of FAP benefits.

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, although for the wrong reason, the Department properly denied Claimant's February 26, 2013, application for FIP benefits. The Department also acted in accordance with Department policy when it reduced Claimant's FAP 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 Claimant's hearing request with regards to MA is DISMISSED.

The Administrative Law Judge further concludes that the Department acted in accordance with Department policy when it denied Claimant's FIP application and reduced her FAP benefits. Accordingly, the Department's FIP and FAP decisions are AFFIRMED.



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

Date Signed: May 14, 2013

Date Mailed: May 15, 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 affect the substantial rights of the claimant:
 - failure of the ALJ to address other relevant issues in the hearing decision.

2013-40093/ZB

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

ZB/pf

cc:

