

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201342604  
Issue No.: 3005; 2006  
Case No.: [REDACTED]  
Hearing Date: May 20, 2013  
County: Wayne (31)

**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 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], Family Independence Specialist.

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) and her children's Medical Assistance (MA) cases on the basis that Claimant failed to provide requested verifications?

**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 was an ongoing recipient of FAP benefits and her minor children received MA coverage under the Other Healthy Kids (OHK) program.
2. Claimant's FAP group had five members: Claimant, Claimant's 20 year-old-daughter [REDACTED], [REDACTED]'s daughter (and Claimant's granddaughter) [REDACTED], and Claimant's two minor children, [REDACTED].
3. On February 1, 2013, Claimant timely submitted her FAP and MA redetermination.

4. The Department did not timely process Claimant's redetermination, or issue FAP benefits to Claimant from March 1, 2013, ongoing.
5. On April 5, 2013, the Department sent Claimant a Notice of Noncompliance notifying her that she had failed to comply with employment related activities in connection with her receipt of Family Independence Program (FIP) benefits.
6. On April 16, 2013, Claimant filed a request for hearing concerning her FAP, MA and FIP cases.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services State Emergency Relief Manual (ERM).

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.

Although Claimant had indicated on her Hearing Request that she was seeking a hearing concerning her FIP, FAP and MA cases, at the hearing, Claimant testified that she did not wish to pursue a hearing concerning her FIP benefits, explaining that she was employed and did not expect any continuing FIP benefits. Therefore, this Hearing Decision does not address the closure of Claimant's FIP case for failure to comply with employment-related activities without good cause.

At the hearing, the Department acknowledged that Claimant had timely submitted her FAP and MA redetermination on February 1, 2013, but that it had not timely processed the redetermination. After Claimant submitted her hearing request on April 16, 2013, the Department testified that it began processing the redetermination, suspending Claimant's FAP benefits pending verification of requested documents. Specifically, the Department testified that in an April 17, 2013 Verification Checklist (VCL) sent to Claimant, it requested verification by April 29, 2013, of Claimant's and her daughter [REDACTED] employment income, Claimant's and her daughter [REDACTED] post-secondary schooling, child support received by [REDACTED] for her daughter [REDACTED]), and changes in Claimant's shelter expenses. The Department testified that it had access to Claimant's income information from the Work Number and child support information from the consolidated inquiry, but had not received any of the remaining requested verifications from Claimant. Consequently, the Department closed Claimant's FAP case effective February 28, 2013, when the FAP certifications period expired. The Department further testified that, because the verifications Claimant had failed to provide were not relevant for the children's MA cases, the children's MA cases had not closed. The Department was asked to provide a copy of the eligibility summary showing the children's ongoing MA coverage, but the Department provided other documentation that, while establishing that Akilah continued to receive MA coverage, failed to establish that [REDACTED] coverage had not been affected.

At the hearing, Claimant acknowledged that she had received the VCL and that she had provided a copy of the Verification of Employment form to Akilah's employer for completion. She was aware that the employer had not submitted the verification to the Department as of the hearing date and testified that she had not notified the Department of the delay in getting the verification completed.

For FAP redeterminations, verifications must be provided by the latter of (i) the end of the current benefit period **or (ii)** within 10 days after they are requested, unless the 10th day falls on a weekend or holiday, in which case the verification will not be due until the next business day. BAM 210 (November 2012), p 12. Benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210, p 2.

In this case, the verifications regarding post-secondary schooling and changes in housing expenses would not have prevented the Department's processing of the redetermination. See BAM 210, p 12; BEM 245 (January 2013). However, a client must verify earned income at redetermination for all benefit programs except OHK. BEM 501 (December 2011), p 7. Thus, under the facts in this case, where Claimant failed to provide the verification of employment for her daughter, [REDACTED] the Department acted in accordance with Department policy when it did not certify a new FAP benefit period and allowed Claimant's FAP case to close. Any closure of Claimant's children's MA cases, however, based on the failure to verify the requested information was not in accordance with Department policy.


At the hearing, there was also some testimony regarding the closure of Claimant's FIP case and the effect on her FAP benefits. Because Claimant's FAP case closed as of March 1, 2013, Claimant did not have an active FAP case when her FIP case closed effective May 1, 2013 for failure to comply with employment-related activities. As such, the closure of the FIP case would have no effect on Claimant's FAP benefits. See BEM 233B (January 2013), pp 1-3.

### **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 acted in accordance with Department policy when it did not certify a new FAP benefit period and closed Claimant's FAP case but did not act in accordance with Department policy to the extent it closed the children's OHK cases for failure to verify. Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the FAP case closure; and **REVERSED IN PART** with respect to any closure of the children's MA cases under the OHK program.

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 minor children's OHK coverage, if closed for failure to provide verifications; and
2. Provide the children with OHK coverage they are eligible to receive from the date of reinstatement, ongoing.

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

Date Signed: 5/28/2013

Date Mailed: 5/28/2013

**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 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

ACE/hw

cc:

