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

# IN THE MATTER OF:

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201312793 6015 April 4, 20132 Ionia County DHS
ADMINISTRATIVE LAW JUDGE: Carmen G. Fa	ahie	
HEARING DEC	ISION	
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a selephone hearing was held on Thursday, Ap ril 4, 2013, from Lansing, Michigan. Participants on behalf of Claimant inc luded the c laimant. Participants on behalf of Department of Human Servic es (Department) included LW and CS.		
<u>ISSUE</u>		
Due to a failure to comply with the ve rification rific		did the Department reduce Claimant's
Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)?	_	assistance (SDA)? ent and Care (CDC)?
FINDINGS OF	<u>FACT</u>	
The Administrative Law Judge, based upon the evidence on the whole record, including testimon	•	•
1. Cla imant ☐ applied for ⊠ was receiving: ☐	FIP FAP MA	□SDA ⊠CDC.
<ol> <li>The depart ment received a notice from the Bridges system that the claimant failed to coo OCS as of September 4, 2012.</li> </ol>		
3. On September 6, 2012, the Department ☐ denied Claimant's application ☐ pended the claimant's case to close ☐ reduced Claimant's benefits		

## 201312793/CGF

If OCS sanction not resolved.

<ul> <li>4. On September 6, 2012, the Department sent notice of the ☐ denial of Claimant's application. ☐ closure of Claimant's case. ☐ reduction of Claimant's benefits.</li> </ul>
5. On November 9, 2012, Claimant filed a hearing request, protesting the ☐ denial. ☐ closure. ☐ reduction.
CONCLUSIONS OF LAW
Department policies are found 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 W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, et seq. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.
☐ The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) program] is establis hed by the Food St amp Act of 1977, as amend ed, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independenc e Agency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 through Rule 400.3015.
☐ The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105.
☐ The State Disability Assistance (SDA) progr am which provides financial as sistance for disabled persons is established by 2004 PA 344. The Depart ment (formerly known as the F amily Independence Agency) administ ers the SDA program pursuant to M CL 400.10, et seq., and 2000 AACS, R 400.3151 through Rule 400.3180.
☐ The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE and XX of the Soc ial Security Act, the Child Care and Developm ent 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 Fede ral Regulations, Parts 98 and 99. The Department provides services to adult and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.
Additionally, the claim ant was a recipient of CDC. Howeve r, the claimant was in non-

The department casework er sent the

informing the claimant she was in non-

compliance with OCS on September 4, 2012.

claimant a notice on September 6, 2012

# 201312793/CGF

compliance with OCS and that she had until September 23, 20 12 to comply or her CDC case would close and the notice included the toll free number for OCS at 1866 540 0008. Department Exhibit 6-9.

During the hearing, the claima nt stated that she called her caseworker multiply times, but her cas eworker had been transferred. However, the notice on September 6, 2012 was very clear that the claimant had to have the sanction lifted by OCS by September 23, 2012 or her CDC case would closed. The claimant submitted her phone records for herself and her husband. The claimant first called OCS on September 27, 2012, which was after the due date of September 23, 2012. Claimant Exhibit 5. A second call was noted on September 28, 2012, which was once again after the due date of September 23, 2012. Claimant Exhibit 6. The claimant was not found to be in co operation with OC S until October 24, 2012, which was after her CDC case closed on September 23, 2012 for failure to cooperate with OCS. After the claiman to was found to be in cooperation with OCS, she could have reapplied for CDC benefits.
The department has met its burden that the cl aimant's CDC case was properly closed for failure to cooperate with OCS on September 23, 2012.
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
<ul><li>☐ closed Claimant's case.</li><li>☐ denied Claimant's application.</li><li>☐ reduced Claimant's benefits.</li></ul>
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 not act properly. ☐ did not act properly.
Accordingly, the Depar tment's decision is $\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \$
lo!
<u>/s/</u> Carmen G. Fahie

Date Signed: April 12, 2013

Date Mailed: April 12, 2013

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

### 201312793/CGF

**NOTICE**: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the receipt date of this Dec ision and Orde r. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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, math ematical error, or other obvious errors in the he aring 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

Re consideration/Rehearing Request P. O. Box 30639
Lansing, Michigan 48909-07322

### CGF/hi

cc: