

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20132937
Issue No.: 1005/008
Case No.: [REDACTED]
Hearing Date: February 21, 2013
County: Cass

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 21, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included Family Independence Manager, [REDACTED], Eligibility Specialist, [REDACTED], Office of Inspector General Regulation Agent, [REDACTED], Cass County Prosecutor's Office Investigator [REDACTED] and her Assistant, [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 checked="" 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 checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |

Medical Assistance (MA). Child Development and Care (CDC).

2. On October 1, 2012, the Department
 denied Claimant's application closed Claimant's case
due to her failure to submit various verifications of her child's father's assets and
income, which the Department had determined was a member of her group.
3. On September 17, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On September 27, 2012, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

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 1999 AC, R 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 1999 AC, R 400.3001 through Rule 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 AACRS, R 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, R 400.5001 through Rule 400.5015.

In this case, the issue essentially is whether or not the Department acted in accordance with its policy when taking action to close the Claimant's case due to the Claimant's failure to submit the requested verification regarding income and assets of her [REDACTED]. The Department had determined that the Claimant resided with the [REDACTED] of her [REDACTED] and the Claimant disputes that she resided with the [REDACTED] of her [REDACTED].

The Claimant does not dispute that she resided in the house owned by the [REDACTED] of her [REDACTED] up until July of 2012 and that she did not move out entirely until August of 2012. She testified that during that time, her [REDACTED] [REDACTED] resided elsewhere with his [REDACTED]. The Claimant testified that she has since resided with her [REDACTED] and that testimony was supported by the testimony of the Claimant's [REDACTED].

The record was held open until the end of the hearing day, as the Claimant had documents she wished to have considered. The Department submitted additional documents which were not considered, as the record was not held open for the Department to submit additional evidence. The Claimant's documents are marked as Exhibit A. They consist of a voter registration card dated September 19, 2012, a change of address order form with a start date of September 26, 2012, a change of address confirmation letter dated September 24, 2012, and a letter from the [REDACTED] of [REDACTED] indicating that the Claimant moved in with her [REDACTED] on September 14, 2012. The Department also had several exhibits indicating that the Claimant received mail at the address where her [REDACTED] [REDACTED] resided as of September 4, 2012. There is no documentary evidence of a residential address for the [REDACTED] of the Claimant's [REDACTED].

The Claimant testified that her child's [REDACTED] was abusive and that though there was no order providing that he had visitation rights, she would stay during visits with her disabled [REDACTED]. As recently as December of 2012 and January of 2013, she would stay during visits and also go to his residence to do her laundry. Her cat also lives there, and she would go to his residence to feed her [REDACTED]. The Administrative Law Judge finds that these actions are inconsistent and illogical for a woman who fears that she or her [REDACTED] would be abused by the child's [REDACTED]. The Administrative Law Judge finds the Claimant's testimony that she has not lived with her child's [REDACTED] to be less than credible. As such, the Administrative Law Judge concludes that the Department was acting in accordance with its policy when including the father of the Claimant's child on her case, and therefore closing her case for failing to provide the required verifications.

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 denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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. did not act properly.

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:

Susanne E. Harris

Susanne E. Harris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 3/22/13

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

SHE/db

cc:

