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

### IN THE MATTER OF:



Reg. No.:	2013-30979
Issue No.:	3008; 2006
Case No.:	
Hearing Date:	March 20, 2
County:	Kalamazoo

March 20, 2013 Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

# **HEARING DECISION**

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 telephone hearing was held on Wednesday, March 20, 2013, from Lansing, Michigan. Participants on behalf of Claimant in cluded the claimant and her authorized representative and daughter, Participants on behalf of Department of Human Services (Department) included

### ISSUE

Due to a failure to comply with the ve rification requirements, did the Department properly and deny Claimant's application close Claimant's case reduce Claimant's benefits for:

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Family Independence Program (FIP)? Food Assistance Program (FAP)?

Medical Assistance (MA)?

State Disability Assistance (SDA)?
Child Development and Care (CDC)?
State Emergency Relief (SER)?

## FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantia I evidence on the whole record, including testimony of witnesses, finds as material fact:

- 2. Cla imant  $\boxtimes$  was  $\square$  was not provided with a Verification of Employment (DHS-38).
- 3. Claimant was required to submit requested verification by February 4, 2013.
- 4. On February 7, 2013, the Department denied Claimant's application

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 $\boxtimes$  closed Claimant's case

reduced Claimant's benefits

for failure to submit verification in a timely manner.

- 5. On February 7, 2013, the Department sent notice of the
  - denial of Claimant's application.
  - $\boxed{}$  closure of Claimant's case.
  - reduction of Claimant's benefits.
- 6. On February 14, 2013, 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 Progr am (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) [for merly known as the Food Sta mp (FS) program] is established by the Food St amp Act of 1977, as amend ed, 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.

 $\boxtimes$  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) admini sters 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 Ch ild 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. T he Department provides servic es to adult s and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

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The State Emergency Relief (SER) program is establ ished by 2 004 PA 344. The SER program is administer ed pursuant to MCL 400.10, *et seq*., and by, 1999 AC, R 400.7001 through Rule 400.7049. Department polic ies are found in the State Emergency Relief Manual (ERM).

Additionally, the claimant failed to turn in her/his required verification of liquid assets to verify eligibility by the due date, which resulted in her/his case being denied/closed. The claimant is entitled to re-apply for 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 the Department properly improperly

 $\boxtimes$  closed Claimant's 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 on the record, finds that the Department  $\square$  did act properly.  $\square$  did not act properly.

Accordingly, the Depar tment's decision is	🛛 AFFIRMED	REVERSED for the
reasons stated on the record.		

/s/

Carmen G. Fahie Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: March 25, 2013

Date Mailed: March 25, 2013

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**NOTICE**: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party 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 ti mely 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 <u>MAY</u> 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 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

Re consideration/Rehearing Request P. O. Box 30639

Lansing, Michigan 48909-07322

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