

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201340762
Issue No.: 6015; 3008; 2006
Case No.: [REDACTED]
Hearing Date: May 14, 2013
County: Oakland 04

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 May 14, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and Authorized Hearing Representative (AHR) [REDACTED]. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist (ES) [REDACTED].

ISSUE

Did the Department properly take action in the Claimant's Child Development and Care (CDC), Food Assistance Program (FAP) and Medical Assistances cases when taking action to deny those benefits due to her non-cooperation with the Office of Child Support?

FINDINGS OF FACT

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

1. The Claimant has at times between April, 2009 to date been a recipient of CDC, MA and FAP.
2. On October 3, 2007, the Office of Child Support (OCS) determined that the Claimant was in cooperation with OCS.
3. On August 26, 2009, the Bridges computer system documented that the Claimant was again in non-compliance with the OCS and that the Claimant did not again comply until February 1, 2012. As such, the Claimant was removed from her FAP group and has had CDC benefits denied.

4. On April 8, 2013, the Department received the Claimant's written hearing request protesting the Department's determination that she has not been in compliance with the OCS and the negative effects it has had on her FAP, CDC and MA Cases dating back to April of 2009.

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 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.

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 ACS, R 400.3151 through R 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 Mich Admin Code, R 400.5001 through R 400.5015.

The Administrative Law Judge initially addresses the timeliness of this hearing request, as it appears to be outside of the 90 day time limit for requesting a hearing. However, the Claimant's hearing request indicates that she has requested several previous

hearings, none of which were addressed. The Claimant's statement contained in the hearing request is found to be credible and persuasive, as it was never contested by the Department and as the evidence in this case indicates that the Claimant has had problems due to a computer error for years at this point.

The Department concedes that it wrongly determined that the Claimant was in non-compliance with the OCS and testified that the Claimant presented a letter from the OCS, effective August 26, 2009, indicating that she has been in compliance with the OCS. The Department's testimony and Exhibit 2 indicate that August 26, 2009 is when it was that she was determined to be in non-compliance with the OCS and the worker present at the hearing testified that the determination of non-compliance is a computer error. The Department worker at the hearing conceded that the Claimant has been in compliance with the OCS since October 3, 2007. The Department worker testified that he could not rectify the problem as it now requires a help desk ticket.

The Claimant's AHR requested that the Claimant's sanction be removed from her FAP case from August of 2009 to March 1, 2012, and that the overissuance of \$ [REDACTED] the Claimant is alleged to have received be addressed when re-determining her eligibility for FAP retroactive to August 26, 2009. The Claimant's AHR also requested that the Claimant's eligibility for CDC benefits be re-determined from March 17, 2011 until September 21, 2012. The Claimant's AHR also requested that the Claimant's eligibility for MA be re-determined from April 14, 2009 until March 1, 2012, as the Claimant contests that she did not meet her deductible for three months, and as she was also wrongly denied MA benefits during that time.

As the Department concedes that the OCS sanction was an error, the Administrative Law Judge determines that the Department was not acting in accordance with its policy when taking negative action on the Claimant's FAP, CDC and MA cases.

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 when taking negative action on the Claimant's FAP, CDC and MA cases/applications.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decisions are 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:

1. Initiate action to immediately submit a help-desk ticket which is to be expedited, and
2. Initiate action to redetermine the Claimant's eligibility for FAP back to August 26, 2009 by removing her sanction, and
3. Initiate action to redetermine the Claimant's eligibility for CDC for the time period between March 17, 2011 and September 21, 2012, and

4. Initiate action to redetermine the Claimant's eligibility for MA back to April 14, 2009 and March 1, 2012.

/s/

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

Date Signed: 5/15/13

Date Mailed: 5/16/13

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

SEH/tb

cc:

