

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201342564
Issue No.: 3009
Case No.: [REDACTED]
Hearing Date: May 29, 2013
County: Washtenaw (20)

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 29, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included Family Independence Manager (FIM) [REDACTED] and PATH Supervisor at Michigan Works, [REDACTED].

ISSUE

Did the Department properly deny the Claimant's application for Child Development and Care (CDC) and properly sanction the Claimant's FAP case due to a criminal justice disqualification?

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 was an ongoing recipient of monthly FAP benefits in the amount of \$ [REDACTED]
2. On April 15, 2013, the Claimant applied for CDC benefits.
3. While processing the application for CDC, the Department became aware that the Claimant was a [REDACTED] and therefore subject to a criminal justice disqualification.

4. On April 15, 2013, the Department sent the Claimant a Notice of Case Action (DHS-1650) informing her that, effective May 1, 2013, the Claimant's household size was reduced to one due to a criminal justice disqualification. Therefore, her monthly FAP allotment was reduced to \$ [REDACTED]
5. Regarding the CDC, there is no DHS-1650, Notice of Case Action in evidence informing the Claimant that her application was denied. Based on the hearing summary, at some point in time after April 15, 2013, the Claimant was informed that her CDC case was also denied due to the criminal justice disqualification.
6. On April 19, 2013, the Department received the Claimant's written hearing request protesting the denial of her application for CDC and the reduction in her monthly FAP benefits. She also was protesting the closure of her FIP case, but that is not before this Administrative Law Judge in this hearing.

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 AACS, 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 closure of the Claimant's FIP case is addressed in a hearing decision regarding case register number 20138359.

Bridges Administrative Manual (BAM) 811 (2013) p. 1 provides that Michigan State Police (MSP) identifies Claimants or group members who are currently [REDACTED] on a monthly basis. MSP also identifies when the Claimant or group member is no longer a [REDACTED] on a daily basis. This is an automated process in Bridges which identifies an exact match based on first name, last name, date of birth, social security number and gender. The monthly match will set to close any Claimant's identified as a [REDACTED], and will set to disqualify any group members identified as a [REDACTED]. When the Bridges computer system sets a Claimant's case to close, a DHS-1605, Notice of Case Action, will be generated. This notice will inform the Claimant that they, or a group member, have a criminal justice disqualification showing, and to go to a local law enforcement agency to resolve the issue. This notice is in evidence as Department's Exhibit 2.

The Claimant in this case testified that she was not a [REDACTED]. She did go to her local police department as the DHS-1650, Notice of Case Action instructed and she cleared up the matter just last week. As the Department's negative action on May 1, 2013, and as last week would have been May 20, 2013, the Administrative Law Judge concludes that the Claimant was a [REDACTED] at that time. As such, when the Department took action to deny the CDC application and to sanction the Claimant's FAP case, the Department was acting in accordance with its policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department did act properly when denying the Claimant's application for CDC and when sanctioning the Claimant's FAP case. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED.

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

Date Signed: 6/5/13

Date Mailed: 6/6/13

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/aca

cc:

