

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

IN THE MATTER OF:



Reg. No.: 201344271
Issue No.: 3008; 2018
Case No.: [REDACTED]
Hearing Date: June 4, 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 June 4, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist (ES) [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input 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 checked="" 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 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 checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On May 1, 2013, the Department denied Claimant's application closed Claimant's FAP case due to failure to verify stopped employment.

3. On May 1, 2013, the Department
 denied Claimant's application closed Claimant's MA case because she did not meet the eligibility categories, as she was no longer pregnant, not a caretaker of a [REDACTED] [REDACTED] in her home, she did not meet the age requirements and is not blind or disabled.
4. On, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
5. On April 24, 2013, 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 AACS, 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.

Though the hearing summary indicated as much, the hearing request did not request a hearing for FIP. It was clarified with the Claimant at the onset of the hearing that she was not protesting a FIP issue and as such, none is addressed here.

Regarding the closure of the MA case, the Administrative Law Judge questioned the ES at the hearing why it is that she determined that the Claimant was not a caretaker of a [REDACTED], particularly as the Claimant had pregnancy-related MA and the parties conceded that a minor [REDACTED] was the natural result of a successful [REDACTED]. The ES testified that she did not make that determination, but rather the Bridges Computer system made that determination. The Administrative Law Judge cannot fathom how it is that such eligibility determinations are made by the computer, none-the-less, it is clearly error to close the Claimant's case when she is a care taker of a [REDACTED] [REDACTED] directly after a successful [REDACTED]. When the Department took action to close the Claimant's MA case, the Administrative Law Judge concludes that it was not acting in accordance with its policy.

Regarding the closure of the FAP case, the ES at the hearing testified that she was not the Department's worker on the Claimant's case in January when the Claimant testified that she submitted verification of her stopped [REDACTED]. The Claimant testified that she made a copy of the letter read into the record at hearing and dated January 22, 2013, and put it in the local office drop box. She also signed the log book verifying as much. The ES at the hearing was kind enough to check that log book at the request of the Administrative Law Judge. The ES confirmed that the Claimant documented verification of stopped [REDACTED] or a [REDACTED], as was written in the log book by the Claimant. The ES then testified that, regardless, the Claimant never did submit her last [REDACTED] as requested, nor did she submit shelter expenses. The DHS-3503, Verification Checklist and later testimony of the ES indicated that the Claimant's case did not close for failure to submit shelter expenses, but rather failure to submit the last [REDACTED]. The Claimant testified that she received never did receive any pay stubs, ever, and her worker knew that. The ES was asked about this and the ES testified that she asked the previous worker about the Claimant's case and he said he did not remember anything about the Claimant's case.

As the Claimant's testimony is somewhat detailed, logical, consistent with the log book at the local office and most importantly based on her personal knowledge, it is found to be credible and persuasive. It is therefore concluded that the Claimant had no last [REDACTED] [REDACTED] to give to her worker and her worker at the time knew this.

Bridges Assistance Manual (BAM) 130 (2012) p. 5 provides that verifications are considered to be timely if received by the date they are due. BAM 130 p. 5 instructs Department workers to send a negative action notice when the client indicates refusal to provide a verification, or when the time period given has elapsed and the client has not

made a reasonable effort to provide it. In this case, the Administrative Law Judge determines that the time period to submit the verification had lapsed and the Claimant had made every reasonable effort to provide the verification before it lapse, particularly as the previous worker knew she had no pay stubs and as she had submitted her lay-off notice. As such, the Administrative Law Judge concludes that the Department has not met its burden of establishing that it was acting in accordance with policy when taking action to close the Claimant's FAP case for failure to submit the required verification.

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 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.

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 re-determine the Claimant's eligibility for FAP and MA back to May 1, 2013, and
2. Initiate action to issue the Claimant any supplement that she may thereafter be due.

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

Date Signed: 6/6/13

Date Mailed: 6/7/13

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:

