

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201344897  
Issue No.: 3008; 2001  
Case No.: [REDACTED]  
Hearing Date: June 4, 2013  
County: Macomb 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 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 checked="" 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 type="checkbox"/> Family Independence Program (FIP).        | <input checked="" 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).          |

2. There is no DHS-1605, Notice of Case Action in evidence, however, the Department's hearing summary indicates that on April 23, 2013, the Department  denied Claimant's application  closed Claimant's case due to excess income for AMP and for failure to return the requested verification for FAP.

3. There is no DHS-1605, Notice of Case Action in evidence, however, the Department's hearing summary indicates that on April 23, 2013, the Department sent

Claimant notice of the  Claimant's Authorized Representative (AR) denial.  closure.

4. On May 2, 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.

Bridges Eligibility Manual (BEM) 640 (2012) p. 3 provides, in pertinent part, that to be eligible for AMP the Claimant's net income cannot exceed the AMP income limit, which is found in RFT 236. RFT 236 provides that the AMP income limit for a group size of one is \$ [REDACTED]. Based on the pay stubs in evidence submitted by the Claimant and the AMP budget submitted by the Department, the Claimant clearly has excess income to be eligible for AMP. Therefore, the Administrative Law Judge determines that the Department properly determined that the closure of the Claimant's AMP case is in accordance with Departmental policy.

The Claimant is an Iraqi refugee and his English, though understandable, is by far not perfect. The Department's ES conceded on the record that the DHS-3503, Verification Checklist requiring verification, specifically pay stubs, of his *unearned* income was confusing. Indeed, the DHS-3503, Verification Checklist is so confusing, that the Administrative Law Judge had to ask at least two questions about it on the record. The Claimant testified that he had already submitted his [REDACTED] and did telephone the ES to let her know that, and he left her a voice mail message about that. The ES could not remember exactly when she returned that telephone call, but she assumed that it was after May 1, 2013. The Administrative Law Judge is unsure as to whether or not this is before or after the Claimant's case closed, as there is no DHS-1605, Notice of Case Action in evidence and as it is not likely that the Claimant's case closed the same day he was notified that it would close as the hearing summary indicates.

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, but the Administrative Law Judge determines that the Claimant was under the impression that he had submitted the verification already and he informed his worker of that. Therefore, the Administrative Law Judge cannot conclude that the Claimant made *no* reasonable effort to provide the verification. The DHS-3503, Verification Checklist is confusing and asks for pay stubs and the Claimant had already submitted paystubs of his *earned* income. As the Administrative Law Judge did not understand the document, the Claimant's testimony that he did not understand it is found to be credible and persuasive. Furthermore, the Claimant testified that he now understood what was being asked of him and he had such verification at his residence.

BAM 130 p. 2 instructs Department workers to tell the Claimant what verification is required, how to obtain it, and the due date by using a DHS-3503, Verification Checklist. In this case, the Administrative Law Judge determines that the Department did not properly tell the Claimant what verification was required. The Department should have been much more specific in the DHS-3503, Verification Checklist by specifying that it was seeking verification of the \$ [REDACTED] monthly unearned income. As such, the Administrative Law Judge concludes that the Department has not met its burden of establishing that they were 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.

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 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 back to the closure date, and
2. Initiate action to issue the Claimant any supplement he may thereafter be due.

/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/tb

cc:

