

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20138359
Issue No.: 1038; 3029
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 for Michigan Works, [REDACTED].

ISSUE

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input 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 checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input 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. On November 1, 2012 , the Department
 denied Claimant's application closed Claimant's FIP case
due to non-compliance with employment related activities.
3. On November 1, 2012, the Department
 denied Claimant's application increased Claimant's FAP allotment.
4. On October 17, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. FIP closure and FAP allotment increase.
5. On October 26, 2102, Claimant filed a hearing request, protesting the
 denial of the application. FIP closure and FAP allotment increase.

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 AACRS, 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.

Procedural History: Claimant requested a hearing on this issue on October 26, 2012. The Claimant's hearing was scheduled for January 2, 2013 and the notice of hearing was sent to [REDACTED] 7, which was the address on the DHS-1650, Notice of Case Action, dated October 17, 2012. The Claimant did not appear for the hearing and Executive Director of the Michigan Administrative Hearing System, [REDACTED], issued an Order of Dismissal on January 3, 2012. On April 8, 2013, the Claimant faxed a letter to the MAHS indicating that she did not receive notice of the hearing, as she changed her address in *November of 2012*, but her Departmental worker never changed the address. Therefore, on May 3, 2013, Supervising Administrative Law Judge [REDACTED] issued an Order Vacating the Dismissal and Order to Schedule Matter for Hearing. The hearing was then scheduled for May 29, 2013 with the undersigned Administrative Law Judge presiding.

The portion of the Claimant's hearing request protesting the Department's FAP determination is hereby dismissed, as there was no negative action regarding the Claimant's FAP case. To the contrary, the DHS-1650, Notice of Case Action indicates that the Claimant's FAP allotment actually increased.

Regarding the FIP closure, the Claimant testified that she never received notice of any re-engagement meeting or DHS-2444, Notice of Non-compliance scheduling triage. The DHS-2444, Notice of Non-compliance and DHS-1650, Notice of Case Action were both sent to the [REDACTED] on October 17, 2012. The Claimant testified that she had moved and therefore did not receive notice. When the Administrative Law Judge asked the Claimant about informing the Department of her new address, the Claimant replied, "I'm pretty sure I gave them my current address...." The Claimant indicated it was when she returned to JET. The PATH supervisor testified that the Claimant was re-enrolled at JET on December 2, 2012. The Department's FIM at the hearing testified that he had a client contact notice in the Claimant's case file dated November 9, 2012, which is 9 days after her case closed.

As the Department's testimony indicating that the Claimant did not inform the Department of her address change until after the case closed could not be refuted with any specificity, it is found to be credible and persuasive. The Department cannot be

faulted for the Claimant's failure to timely report her address change. Particularly as the Claimant's responsibility to report such changes is clearly documented on every DHS-1171, Assistance Application she has completed.

The Administrative Law Judge does therefore conclude that the Claimant did not attend the JET program and did not attend her triage. Her absence was despite the JET case worker also telephoning and leaving her voice mail messages informing her to come into JET. The Administrative Law Judge concludes that the Claimant was non-compliant without good cause. Bridges Eligibility Manual (BEM) 233A (2013) p. 6, provides that the penalty for noncompliance without good cause is FIP case closure. The Administrative Law Judge therefore concludes that when the Department took action to close the Claimant's FIP case, the Department was acting in accordance with its policy.

Based upon the above Findings of Fact and Conclusions of Law 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:

/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:

