

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

IN THE MATTER OF:



Reg. No.: 2013-48772
Issue Nos.: 2006, 3008, 6015
Case No.: [REDACTED]
Hearing Date: June 20, 2013
County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly process Claimant's Food Assistance Program (FAP), Medical Assistance (MA), and Child Development and Care (CDC) cases?

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 was an ongoing recipient of FAP, MA and CDC benefits.
2. A redetermination concerning FAP, MA and CDC benefits was due on April 2, 2013.
3. On an unknown date, the Department sent Claimant a Notice of Case Action notifying her that her cases were due to close because she had failed to submit a completed redetermination.
4. On April 12, 2013, Claimant submitted a completed redetermination.
5. On April 30, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting paystubs by May 10, 2013.

6. On May 20, 2013, Claimant filed a hearing request, protesting the closure of her cases.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

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 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 Department failed to provide any relevant Notices of Case Action with its hearing packet. At the hearing, the Department testified that, although an initial Notice of Case Action was sent to Claimant informing her of the closure of her FAP, MA and CDC cases due to failure to provide a completed redetermination, Claimant submitted a completed redetermination on April 12, 2013, and the Department processed the redetermination. It sent Claimant an April 30, 2013, Verification Checklist requesting additional paystubs by May 10, 2013. Claimant disputes the Department's contention that it did not timely receive the requested paystubs. However, the Department established at the hearing that when it received Claimant's paystubs at a May 28, 2013, prehearing conference, it used that information to process the redetermination. The Department further established that, although there was a delay in issuing Claimant's benefits due to the delay in processing the redetermination, Claimant's FAP, CDC and MA cases had never closed and Claimant had received ongoing, uninterrupted FAP, CDC, and MA benefits. Exhibits 1, 2, and 3. Claimant admitted that she had received delayed, but ongoing, benefits under each program. Although Claimant was justifiably frustrated by the delays in her case, because the Department restored Claimant's FAP,

CDC and MA benefits, and Claimant did not receive a lapse in benefits, the Department resolved the issue that resulted in Claimant's May 20, 2013, hearing request. Thus, Claimant was no longer an aggrieved party as of the hearing date. See Mich Admin Code R 400.903(1); BAM 600 (February 2013), p. 1.

At the hearing, Claimant expressed concerns regarding the reduced FAP benefits she was receiving. The Department explained that the reduction was due to her recalculated benefits based on the employment income information received in connection with the redetermination. Because the issue of the recalculated benefits was unrelated to the case closure issue that resulted in Claimant filing the May 20, 2013, request for hearing, it was not addressed at the hearing. Claimant was advised she could request a hearing concerning the calculation of her FAP benefits.

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 acted in accordance with Department policy and resolved any issues in Claimant's cases when it provided her with ongoing CDC, FAP, and MA benefits.

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 24, 2013

Date Mailed: June 24, 2013

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 affect 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

ACE/pf

cc:

