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

IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201351647 3008 July 9, 2013 SSPC-West
ADMINISTRATIVE LAW JUDGE: Susanne E	. Harris	
HEARING DE	CISION	
This matter is before the undersigned Administration and MCL 400.37 following Claimant's requestelephone hearing was held on July 9, 2013, behalf of Claimant included behalf of Department of Human Services (DES)	est for a hearing. from Lansing, Michi and	After due notice, a gan. Participants on Participants on
ISSUE		
Did the Department properly  deny Claiman for:	nt's application 🛛 c	lose Claimant's case
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?	State Disability A	ssistance (AMP)? Assistance (SDA)? ent and Care (CDC)?
FINDINGS O	F FACT	
The Administrative Law Judge, based on the evidence on the whole record, finds as material		erial, and substantial
1. Claimant ☐ applied for benefits ☒ received	d benefits for:	
<ul><li>☐ Family Independence Program (FIP).</li><li>☐ Food Assistance Program (FAP).</li><li>☐ Medical Assistance (MA).</li></ul>	State Disability	ssistance (AMP). Assistance (SDA). ent and Care (CDC).
2. On June 1, 2013, the Department		

⊠ closed Claimant's case

denied Claimant's application

due to his failure to return the required verifications.

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3.	On May 24, 2013, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.
4.	On June 4, 2013, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges Administrative Manual (BAM), the idges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 rough Rule 400.3015.
Se Th Ag	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department of Human Services (formerly known as the Family Independence lency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 0.105.
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human ervices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, R 400.3151 through Rule 0.3180.
and 199 The and	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. e program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 d 99. The Department provides services to adults and children pursuant to MCL 0.14(1) and 1999 AC. R 400.5001 through Rule 400.5015.

In this case, the Claimant's witness, Claimant's pay stubs from the previous 30 days as requested, to the Department on May 22, 2013 at 12:01 p.m. The record was left open until 5:00 p.m. on July 9, 2013, so that Could fax evidence of such to the Administrative Law Judge; however, nothing was received at the fax number provided to hearing testified that he received no pay stubs, though he had received the previous faxed by the Claimant. The ES testified that the fax number given to Claimants is a number in Lansing where the documents will then be scanned into an Electronic Document Management (EDS) system and the documents are then supposed to be sent to the Claimant's worker. There was no one present at the hearing to testify whether or not the Claimant's fax was received in Lansing and then processed in the matter to which the ES testified. Furthermore, testimony was specific and persuasive regardless of not having submitted the Claimant's exhibit after the hearing. The Administrative Law Judge therefore determines that the evidence does not establish that the Claimant did not submit the required documentation as requested by the Department.
Bridges Assistance Manual (BAM) 130 (2012) p. 5 provides that verifications are considered to be timely if received by the date they are due. It 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 evidence does not establish that the Claimant's witness did not fax the verification to Lansing. As such, the Administrative Law Judge concludes that the Department has met not 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 among the concludes that the Department improperly denied Claimant's application approperly closed Claimant's case for:  AMP FIP FAP MA SDA CDC.
<u>DECISION AND ORDER</u>
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department $\square$ did act properly. $\bowtie$ did not act properly.
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ FAP $\square$ MA $\square$ SDA $\square$ CDC decision is $\square$ AFFIRMED $\boxtimes$ REVERSED.
$\boxtimes$ 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

 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: 7/11/13

Date Mailed: 7/12/13

**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 <u>MAY</u> 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:

