

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-37519
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 7, 2013
County: Macomb 12

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 August 7, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Authorized Representative (AR) [REDACTED]. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist, [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 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 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. There is no DHS-1605, Notice of Case Action in evidence. The Department's hearing summary indicates that on November 5, 2012, the Department denied Claimant's application closed Claimant's case due to the AHR not submitting a completed DHS-1171, Assistance Application.

3. There is no DHS-1605, Notice of Case Action in evidence. The Department's hearing summary indicates that on November 5, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure.
4. On March 26, 2013, Claimant's AHR 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.

The first issue to be address in this case is the timeliness of the hearing request, as it appears that the hearing was requested in excess of 90 days of the issuance of the DHS-1605, Notice of Action referenced in the hearing summary. There is no DHS-1605, Notice of Case Action in evidence. The uncontested testimony was that no DHS-1605, Notice of Case Action ever issued to the Claimant's AR. As the Claimant's AR did not received notice of the denial until March 5, 2013 and as the hearing was requested on March 26, 2013, the Administrative Law Judge finds that the hearing request is timely.

The uncontested facts of this case are that the Claimant's AR submitted a filing form to the Department with the minimum required information on it on September 28, 2012. The Department then registered it as an incomplete application. On October 25, 2012, the Department's worker sent the Claimant's AR a DHS-100, Quick Note indicating that if the Department did not receive a completed DHS-1171, Assistance Application by November 5, 2012, the Department would deny the Claimant's application for assistance. On November 5, 2012, the Claimant's AR requested an extension of time to submit the completed DHS-1171, Assistance Application. The Claimant's AR testified that the AR considered the Quick Note to be a DHS-3503, Verification Checklist, as that is what the policy requires the Department's worker to send. The Claimant's application was denied on November 5, 2012. On or about November 9, 2012, the Claimant's AR submitted the completed DHS-1171, Assistance Application.

Bridges Administrative Manual (BAM) 105 (2012) p. 1, provides that a filing form must be registered with a receipt date if it contains the Claimant's name, date of birth, address and signature of the Claimant or AR, even if it does not contain sufficient information to determine eligibility. The Department in this case did register the Claimant's filing form as an application. BAM 110 (2012) p. 4, provides that the date of application is the date the local offices receives the required minimum information on an application or filing form. BAM 115 (2012) p. 4, provides that an incomplete application contains the minimum information required for registering an application. However, it does not contain enough information to determine eligibility because all required questions are not answered for the program(s) for which the Claimant is applying. When an incomplete application is filed, BAM 115 (2012) p. 4, instructs the Department's worker to retain the application and give or send the Claimant the DHS-3503, Verification Checklist to inform the client of the due date for the missing information.

For MA, BAM 130 (2012) p. 5, provides that a Department's worker allow the Claimant 10 calendar days to provide the verification requested. If the Claimant cannot provide the verification despite a reasonable effort, the Department's worker is to extend the time limit up to three times.

In this case, the Administrative Law Judge finds that the Claimant's AR properly considered the DHS-100, Quick Note as a DHS-3503, Verification Checklist and properly requested an extension. The Department's policy provides that the deadline for providing the verification requested be extended up to three times. When the Department denied the Claimant's application instead of granting the extension, the Administrative Law Judge determines that the Department was not acting in accordance with its policy.

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, and for the reasons stated on the record, 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 redetermine the Claimant's eligibility for MA back to the original application date and issue the Claimant any supplement that may thereafter be due.

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

Date Signed: 8/9/13

Date Mailed: 8/12/13

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 **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:

