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

 	 R OF:

IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-56439 3008 August 1, 2013 DHS-SSPC-West
ADMINISTRATIVE LAW JUDGE: Carmen G	. Fahie	
HEARING D	<u>ECISION</u>	
This matter is before the undersigned Administration and MCL 400.37, following Claimant's Received telephone hearing was held on Thursday, A Participants on behalf of Claimant included Department of Human Services (Department)	quest for Hearing. August 1, 2013, from the Claimant. Parti	After due notice, an Lansing, Michigan. cipants on behalf of
<u>ISSU</u>	<u>E</u>	
Due to a failure to comply with the verific properly $\boxtimes$ deny Claimant's application $\square$ claimant for:	• • • • • • • • • • • • • • • • • • •	
<ul><li>☐ Family Independence Program (FIP)?</li><li>☐ Food Assistance Program (FAP)?</li><li>☐ Medical Assistance (MA)?</li></ul>		Assistance (SDA)? ent and Care (CDC)? ey Relief (SER)?
FINDINGS C	OF FACT	
The Administrative Law Judge, based upon evidence on the whole record, including testim	•	
<ol> <li>Claimant</li></ol>	☐FIP ☑FAP ☐M	A □SDA □CDC □
2. Claimant $\boxtimes$ was $\square$ was not provided with	a Verification of Ched	cklist (DHS-1010).
3. Claimant was required to submit requested	d verification by June	20, 2013.
<ul> <li>4. On June 21, 2013, the Department</li> <li></li></ul>		

for failure to submit verification in a timely manner.

<ul> <li>On June 21, 2013, the Department sent notice of the</li> <li>☑ denial of Claimant's application.</li> <li>☐ closure of Claimant's case.</li> <li>☐ reduction of Claimant's benefits.</li> </ul>
<ol> <li>On July 1, 2013, Claimant filed a hearing request, protesting the</li></ol>
CONCLUSIONS OF LAW
Department policies are found 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 104-19342 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 400.3107 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 400.300 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105.
☐ The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCI 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 MC 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.
☐ The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, et seq., and by, 1999 AC, F400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM)

Date Mailed: 08/06/2013

Additionally, the Claimant failed to turn in her/his required verification by the due date, which resulted in her/his case being denied/closed. Even though the Claimant testified that she mailed the verification on June 18, 2013, through regular mail. The Department caseworker did not receive them. In addition, the Claimant did not call to verify that the Department casesworker had received the verifications since the verifications were not sent through registered mail. The Claimant is entitled to re-apply for benefits.

The Department has met its burden that the Claimant failed to provide the required verifications by the due date. Therefore, the Department properly denied the Claimant's application. BAM 105, 115, 130, and 200. BEM 501.

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 $\boxtimes$ properly $\square$ improperly
<ul> <li>☐ closed Claimant's case.</li> <li>☐ denied Claimant's application.</li> <li>☐ reduced Claimant's benefits.</li> </ul>
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 $\  \  \  \  \  \  \  \  \  \  \  \  \ $
Accordingly, the Department's decision is $\boxtimes$ <b>AFFIRMED</b> $\square$ REVERSED for the reasons stated on the record.
☐ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
/ <u>s/</u> Carmen G. Fahie  Administrative Law Judge  For Maura Corrigan, Director  Department of Human Services
Date Signed: <u>08/06/2013</u>

**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 receipt 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; or
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the Claimant; or
- 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

## CGF/pw

