

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.:	2013-56815
Issue No.:	1005;2000;3000
Case No.:	[REDACTED]
Hearing Date:	August 7, 2013
County:	Wayne (41)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 Detroit, Michigan. Claimant and [REDACTED], who also served as translator, appeared and testified. Participating on behalf of the Department of Human Services (Department) was [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and process her Food Assistance Program (FAP) and Medical Assistance (MA) cases?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant was an ongoing recipient of FIP, FAP and MA benefits.
2. On January 2, 2013, the Department sent Claimant a Verification of Student Information form for which Claimant was required to submit requested verifications by January 31, 2013. (Exhibit 1)
3. On April 15, 2013, the Department sent Claimant a redetermination for which Claimant was required to complete and return to the Department by May 3, 2013.

4. On June 17, 2013 the Department sent Claimant a Notice of Case Action informing her that her FIP case would be closed effective July 1, 2013 based on a failure to return the redetermination. (Exhibit 2).
5. On June 28, 2013 Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

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

FAP/MA

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. Rule 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 hearing was requested to dispute the Department's action taken with respect to Claimant's FAP and MA benefits. Shortly after commencement of the hearing, Claimant testified that she now understood and was satisfied with the actions taken by the Department and did not wish to proceed with the hearing. Claimant stated that her FAP and MA cases were reopened and that she was currently receiving FAP and MA benefits and that there was no longer any issue that needed to be resolved with respect to those programs. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request.

FIP

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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. FIP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.5. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5.

In this case, on January 2, 2013, the Department sent Claimant a Verification of Student Information form for which Claimant was required to submit requested verifications by January 31, 2013. (Exhibit 1). The Department testified that Claimant did not return the requested verification timely. Claimant credibly testified that during the third week in January, she went to her son's school and had the verification form completed. Claimant stated that she dropped the form off to the local Department office and signed the log with her name.

Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (July 2013), p 1. A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210, p. 1. For FIP cases, the Department must also conduct a telephone interview with the head of household at redetermination before certifying continued eligibility. BAM 210, p. 4. If the redetermination packet is not logged in by the negative action cut-off date of the redetermination month, the Department sends the client a Notice of Case Action and automatically closes the FIP case. BAM 210, p. 9.

In this case, on April 15, 2013, the Department sent Claimant a redetermination for which Claimant was required to complete and return to the Department by May 3, 2013. At the hearing, the Department testified that because Claimant did not provide the Department with the completed redetermination by the due date, on June 17, 2013 the Department sent Claimant a Notice of Case Action informing her that her FIP case would be closed effective July 1, 2013 based on a failure to return the redetermination. (Exhibit 2). At the hearing, Claimant credibly testified that prior to the due date, she went to the local Department office, dropped off the completed redetermination and signed her name to the log. The sign-in logs for the time period at issue were reviewed at the hearing. Claimant's name appeared on the sign-in log for May 2, 2013, prior to the redetermination due date. It was also noted on the sign-in log that Claimant was dropping off a completed redetermination.

Therefore, because there was sufficient evidence to establish that Claimant did return the completed redetermination to the Department prior to the May 3, 2013 due date, the Department did not act in accordance with Department policy when it closed Claimant's FIP case for failure to return the redetermination.

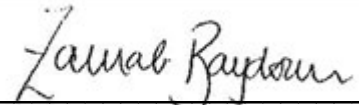
DECISION AND ORDER

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 Claimant's hearing request with respect to FAP and MA is DISMISSED.

It is further found that the Department did not act in accordance with Department policy when it closed Claimant's FIP case for failure to return a completed redetermination. Accordingly, the Department's FIP decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reinstatement of Claimant's FIP case effective July 1, 2013 in accordance with Department policy and consistent with this Hearing Decision;
2. Begin reprocessing Claimant's redetermination in accordance with Department policy;
3. Begin issuing supplements to Claimant for any FIP benefits that she was entitled to receive but did not from July 1, 2013, ongoing; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 16, 2013

Date Mailed: August 16, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;

- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ZB/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]