

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 2013-58145
Issue No.: 3008;6043
Case No.: ██████████
Hearing Date: August 15, 2013
County: Wayne (15)

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 conducted on August 15, 2013 from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████, Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case and deny her application for Child Development Care (CDC) benefits?

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 benefits.
2. On an unverified date, Claimant submitted an application for CDC benefits.
3. On May 28, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by June 7, 2013. (Exhibit1)
4. On July 3, 2013, the Department sent Claimant a Notice of Case Action informing her that effective August 1, 2013, her FAP case would be closing and that her application for CDC was denied. (Exhibit 2).

5. On July 9, 2013, Claimant filed a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

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

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 1997 AACS R 400.5001-5015.

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.

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. FAP and CDC 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. For FAP and CDC cases, 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.

At the hearing, the Department testified that on May 28, 2013, it sent Claimant a VCL requesting that verification of her wages and child care provider information be submitted by June 7, 2013. (Exhibit 1). The Department stated that it is not clear if the verifications were timely received because she was not the worker who was assigned to Claimant's case at the time the action was taken. The Department testified that she assumed the verifications were not received because on July 3, 2013, the Department sent Claimant a Notice of Case Action informing her that effective August 1, 2013, her FAP case would be closing and that her application for CDC was denied. (Exhibit 2). Only one page of the Notice of Case Action was presented at the hearing. As such, the reason for the intended action by the Department remained unclear.

Claimant testified that she received a copy of the VCL and that she turned in the requested verifications in June. Claimant stated she went to the local Department office

and dropped off two check stubs and two child care provider verification forms, as the name of the provider had changed. In response to Claimant's testimony, the Department stated that it is possible that Claimant did submit the verifications on time and that they may have been given to a different Department worker, as the person in charge of Claimant's case had been changed. The Department acknowledged that it is possible the verifications submitted by Claimant were misplaced. Therefore, the Department failed to satisfy its burden in establishing that it acted in accordance with Department when it denied Claimant's CDC application and closed her FAP case.

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 not act in accordance with Department policy when it closed Claimant's FAP case and denied her CDC application. Accordingly, the Department's FAP and CDC decisions are 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 FAP case effective August 1, 2013;
2. Begin the issuance of supplements to Claimant for any FAP benefits she was entitled to receive but did not from August 1, 2013 ongoing;
3. Reregister Claimant's application for CDC benefits;
4. Begin reprocessing Claimant's continued eligibility for CDC benefits from the date of application ongoing in accordance with Department policy and consistent with this Hearing Decision;
5. Provide Claimant with CDC coverage she was eligible to receive from the date of application ongoing; and
6. Notify Claimant in writing of its decision in accordance with Department policy.



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

Date Signed: August 23, 2013
Date Mailed: August 23, 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]