

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

IN THE MATTER OF:



Reg. No.: 201359324
Issue No.: 1021; 2018; 3019
Case No.: [REDACTED]
Hearing Date: August 20, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" 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 checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" 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. On July 12, 2013, the Department
 denied Claimant's application closed Claimant's case
due to eight different reasons listed in the negative action notice.
3. On July 12, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On July 25, 2013, Claimant 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, Rule 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, 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 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, Rule 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, Rule 400.5001 through Rule 400.5015.

According to the case action notice sent on July 12, 2013, claimant was denied FIP benefits, Medicare Assistance program benefits and Medicaid benefits, and had current FAP program benefits closed.

This case action notice listed 8 different reasons for the denials and closures; after a review, the undersigned holds that none of the reasons are supported by reasonable evidence, and some of the reasons listed appear to be mistakes generated by the Bridges program. In the interest of clarity, the undersigned will address each program and reason for denial or closure separately.

With regard to FIP benefits, claimant's application was denied; the notice listed two reasons for denial.

First, the notice stated that claimant has refused to live with a parent or guardian, and did not have good cause for refusing to do so. However, BEM 201 states that good cause can be found if there is an active CPS complaint with regard to the previous household. Claimant confirmed at hearing that there was an active CPS complaint, and the Department could not testify as to whether this CPS complaint was ever investigated when denying the FIP case. As there is no evidence that the Department ever considered the ongoing CPS complaint with regard to claimant's parents, the Department could not deny claimant's FIP application for this reason. Thus, the stated reason for denial is invalid.

Second, the notice stated that claimant was non-cooperative with school attendance requirements. The Department submitted no evidence of non-cooperation, and thus, this stated reason for denial must be invalidated.

As both reasons given for the denial of claimant's application for FIP benefits are invalid, the Department was in error when it denied claimant's FIP application, and the application in question must be reprocessed.

With regard to the Medicaid Program, claimant's application was denied; the notice listed three reasons for the denial.

First, the notice stated that a member of claimant's household was eligible for this program in another case. The Department failed to show any evidence that this was so, and furthermore, failed to state why this member could not be removed from that other case, if it existed, and be placed onto their own case. As such, this reason for denial must be found invalid.

Second, the notice stated that the group member in question was not under 21, pregnant, or caretaker of a minor child in the home. As the group member in question is currently 16 years old and the caretaker of a minor child, the group member appears to meet the requirements of the Medicaid program, and this reason for the denial must be found invalid.

Third, the notice stated that the claimant himself was eligible for this program in another case. The Department failed to show any evidence that this was so, and furthermore, failed to state why the claimant could not be removed from that other case, if it existed, and be placed onto their own case. As such, this reason for denial must be found invalid.

As all three reasons given for the denial of claimant's application for MA benefits are invalid, the Department was in error when it denied claimant's MA application, and the application in question must be reprocessed.

With regard to the Medicare Savings program, claimant's application was denied.

However, the reason stated for the denial is that the claimant requested that the assistance be stopped.

First, an application cannot be denied because a claimant requests that assistance be stopped, as that reason would require claimant to have already been receiving benefits, and thus would mean that an application could not be denied.

Second, if the claimant was receiving Medicare Assistance Program benefits, the undersigned is confused as to how, or why, such benefits were awarded, as the claimant does not appear to meet the criteria for the program, or even receive Medicare.

Third, the Department has not submitted evidence that claimant requested such benefits stopped.

Fourth, there is no evidence that the claimant submitted an application for Medicare Assistance Program benefits.

As such, the undersigned suspects that this part of the case action notice was in error. Due to the enormity of this error, the rest of the case action notice is placed under heightened scrutiny; this lends weight to the undersigned's argument that claimant's entire case should be reviewed and reprocessed to eliminate other errors.

Claimant's FAP program benefits were closed. The notice of case action listed two reasons for the closure.

First, the notice stated that a verification of unearned income payment verification was not returned for a group member. Claimant credibly testified that documentation had been submitted to the Department; given the other errors in this case, the undersigned

has no reason to doubt the claimant. Furthermore, the Department could not testify first hand as to what was sent to the claimant, and what conversations were had with the claimant regarding verification. Claimant's case file was not present at the hearing. As such, the undersigned finds that claimant had returned all required documents, and this reason for closure of FAP benefits is invalid.

Second, the notice stated that claimant was currently failing to cooperate with child support requirements. The Department submitted no evidence that claimant was currently serving a non-cooperation penalty, or that claimant even had a current case with the Office of Child Support. As such, if there is a penalty, that penalty should be removed for lack of evidence. If there is no penalty, then claimant's FAP case should not have closed due to penalty. Either way, the reason stated for closing FAP benefits is invalid.

The current case, as presented at hearing, appears to be rife with errors, contradictions, and misinformation. The notice of case action lists several reasons for the application denials and benefit closures, but none of the reasons are supported with reasonable evidence. It appears that both the claimant and the Department would be best served by a complete reexamination of the current case; claimant's application should be re-processed, and claimant's FAP benefits should be reopened.

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

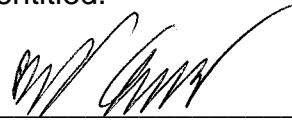
did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED 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:

1. Initiate reprocessing of claimant's FIP and MA application, retroactive to the date of application; the Department should investigate any pending or current CPS investigations with regards to claimant's FIP and MA applications.

2. Reopen claimant's FAP benefits retroactive to the date of closure, and issue any supplements to which the claimant is otherwise entitled.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/27/2013

Date Mailed: 8/27/2013

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

RJC/hw

cc:

