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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-65285 1005 October 9, 2013 Clinton				
ADMINISTRATIVE LAW JUDGE: Carmen G. Fah	•	Clinton				
HEARING DECISION						
Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on Wednesday, October 9, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included Cheryl Liberty, LW, and Nancy Rogers, FIS/PATH.						
<u>ISSUE</u>						
Due to a failure to comply with the verification requirements, did the Department properly \boxtimes deny Claimant's application \square close Claimant's case \square reduce Claimant's benefits for:						
Food Assistance Program (FAP)?	Adult Medical Pro State Disability As Child Developmer					
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:						
 Claimant ⊠ applied for ☐ received: ☑FIP ☐FAP ☐MA ☐ AMP ☐SD benefits. 	A □CDC					

2. Claimant was required to submit requested verification by July 29, 2013.

 On August 16, 2013, the Department ☑ denied Claimant's application. ☐ closed Claimant's case. ☐ reduced Claimant's benefits. 						
 On August 16, 2013, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action. 						
 On August 20, 2013, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action. 						
CONCLUSIONS OF LAW						
Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).						
☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.						
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.						
☐ The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 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.						
☐ The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.31513180.						
☐ The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the						

DECISION AND ORDER:

Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Additionally, the Claimant applied for FIP on July 16, 2013. On July 17, 2013, the Claimant was sent a Verification Checklist, DHS-3503, which was due July 29, 2013, for the Claimant to provide the required verifications to determine FIP eligibility of school attendance and checking account balance. Department Exhibit 1-2. On August 16, 2013, the Department Caseworker denied the Claimant's case for not providing the required verifications. BEM 245, 400, 500, 501-505, 518-520. BAM 105, 110, 115, 130, 220, and 600.

The Department has met its burden that it properly denied the Claimant's FIP application because she failed to provide the required verifications by the due date.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any finds that the Department

 acted in accordance with Department policy when it denied the Claimant's FIP application because she failed to provide the required verifications by the due date. did not act in accordance with Department policy when it failed to satisfy its burden of showing that it acted in accordance with Department policy when it 							
DECISION AND ORDER							
Accordingly, the Department's decision is							
☑ AFFIRMED.☐ REVERSED.☐ AFFIRMED IN PART with respect to to	and REVERSED IN PART with respect						
☐ THE DEPARTMENT IS ORDERED TO ACCORDANCE WITH DEPARTMENT P	•						

HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS

Carmen G. Fahie

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

Date Signed: <u>10/28/2013</u>

Date Mailed: <u>10/29/2013</u>

NOTICE OF APPEAL: 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.

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).

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

CGF/pw

CC: