

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201355477
Issue No.: 1038; 2006; 3008; 6015
Case No.: [REDACTED]
Hearing Date: July 31, 2013
County: Macomb 12

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 July 31, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and her mother, [REDACTED]. Participants on behalf of Department of Human Services (Department) included Family Independence Specialist [REDACTED].

ISSUE

Did the Department properly deny the Claimant's application and/or close the Claimant's cases for MA, FAP, CDC and FIP?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. There is no DHS-1605, Notice of Case in evidence which would detail the actions taken in the Claimants case/application on June 20, 2013. Based on the Hearing Summary, the Claimant's application for FIP was denied due to an employment related sanction and her FAP and MA programs were denied because the Claimant did not provide the requested verifications. The Claimant's hearing request indicates that her FAP and MA cases closed and she is requesting a hearing for the denial of FIP and CDC.
2. The Claimant was serving a FIP sanction from March 1, 2013 to August 31, 2013, for failure to comply with employment related activities.

3. On June 20, 2013, the Department sent the Claimant a DHS-3503, Verification Checklist requesting proofs for FAP, CDC and MA with a due date of July 1, 2013.
4. On June 28, 2013, the Department received the Claimant's written hearing request protesting whatever action the Department took in her case on June 20, 2013.

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 Mich Admin Code, R 400.3101 through R 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 Mich Admin Code, R 400.3001 through R 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, R 400.3151 through R 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 Mich Admin Code, R 400.5001 through R 400.5015.

The worker at the hearing was not the worker who took action in this case. The Administrative Law Judge has examined the Claimant's hearing request protesting some action taken on June 20, 2013. The Department's hearing summary confirms that the Claimant was notified of some action in her case(s)/application on June 20, 2013 and that the effective date of action was August 1, 2013. The Administrative Law Judge has carefully considered the testimony of the Claimant, the Claimant's [REDACTED] and the Department's worker at the hearing. The Administrative Law Judge is completely unclear as to what actions were taken in the Claimants case on June 20, 2013, that would be effective August 1, 2013. Without the DHS-1605, Notice of Case Action, the Administrative Law Judge cannot even properly determine what issues are before her. As such, the evidence is far from sufficient to establish that the Department was acting in accordance with its policy when taking action in the Claimant's case(s) or on the Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department did not act properly when taking the action it did on June 20, 2013.

Accordingly, the Department's decision of June 20, 2013 is AFFIRMED
 REVERSED.

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

1. Initiate action to revisit/re-determine the Claimant's eligibility for benefits based on the DHS-1605, Notice of Case Action issued on June 30, 2013, and
2. Initiate action to issue the Claimant any supplement she may thereafter be due.

/s/ _____
Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/2/13
Date Mailed: 8/2/13

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 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 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,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - 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

SEH/tb

cc:

