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

IN THE MATTER OF:

Reg. No.:	2013 1067
Issue No.:	3006,2006
Case No.:	
Hearing Date:	December 19, 2012
County:	Oakland County (03)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 December 19, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the claimant. Participants on behalf of the Department of Human Services (Department) included , ES.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly ☒ deny Claimant's application ☐ close Claimant's case ☐ reduce Claimant's benefits for:

☐ Family Independence Program (FIP)?
☒ Food Assistance Program (FAP)?
☒ Medical Assistance (MA)?
☐ State Disability Assistance (SDA)?
☐ Child Development and Care (CDC)?

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 ☒ applied for ☐ was receiving: ☐FIP ☒FAP ☒MA ☐SDA ☐CDC.

2. Claimant was required to submit requested verification by 9/6/12.

3. On 9/10/12, the Department
   ☒ denied Claimant's application.
   ☐ closed Claimant's case.
   ☐ reduced Claimant's benefits .

4. On 9/10/12, the Department sent notice of the
   ☒ denial of Claimant's application.
   ☐ closure of Claimant's case.
   ☐ reduction of Claimant's benefits.

5. On 9/18/12, Claimant filed a hearing request, protesting the
   ☒ denial of claimant's application.
   ☐ closure of Claimant's case.
   ☐ reduction of Claimant's benefits.

CONCLUSIONS OF LAW

Department policies are found 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 1997 AACS R 400.3101-3131. 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 1997 AACS R 400.3001-3015

☒ 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq*., and MCL 400.105.

☐ The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq*., and 1998-2000 AACS R 400.3151-400.3180.

☐ 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 1997 AACS R 400.5001-5015.

Additionally, the Claimant credibly testified that he met face to face with his then caseworker and provided the rental income information requested by the verification checklist at that meeting which occurred on 9/6/12, the date the verifications were due. At the meeting the caseworker requested additional information regarding proof of the Claimant's real estate license which he provided after the meeting and which was acknowledged by his caseworker. The Department produced no testimony by anyone with personal knowledge of the circumstances of the meeting and the evidence produced supported the conclusion and the Claimant's testimony that the then caseworker was satisfied with the information provided. The Department closed the Claimant's case after the meeting on 9/10/12. Based upon the evidence presented, the Department did not present a basis for the denial of the Claimant's application dated 8/23/12. The evidence does not support a failure to reply to the verification checklist by the due date and therefore it is determined that the Department improperly denied the application..

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 ☒ improperly

☐ closed Claimant's case.
☒ denied Claimant's application.
☐ reduced Claimant's benefits.

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 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. The Department shall re register the Claimant's application for Food Assistance and Medical Assistance retroactive to the date of application 8/23/12 and process the application to determine the Claimant's eligibility. The Department may seek additional verification if necessary.

2. The Department shall issue a supplement to the Claimant for any benefits the Claimant is otherwise entitled to receive in accordance with Department policy.

Lynn M. Ferris`
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 21, 2012

Date Mailed: December 21, 2012

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.

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

LMF/cl

cc: [redacted]