

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

IN THE MATTER OF:



Reg. No.: 201313120
Issue No.: 2006; 3008
Case No.: [REDACTED]
Hearing Date: January 7, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 January 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits and Medical Assistance (MA) coverage?

FINDINGS OF FACT

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

1. In September 2012, Claimant applied for FAP and MA benefits.
2. The Department denied the application on the basis that Claimant had failed to verify requested employment information.
3. On September 17, 2012, Claimant requested a hearing disputing the Department's actions.

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, 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 Mich Admin Code, 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.

Additionally, an application for FAP or MA benefits must be denied if the client fails to provide a requested verification within ten days of the date the request is made. BAM 130 (May 1, 2012), pp 5-6. In this case, the Department testified that, in connection with Claimant's September 2012 application, it asked Claimant to have her employer

complete a Verification of Employment (VOE) to establish her income, and, when it did not receive that VOE by the due date, it denied Claimant's application. However, the Department did not provide any testimony regarding the date the VOE was sent to Claimant or when it was due. A copy of the VOE was not produced at the hearing. Although the Department testified that it had not received the VOE as of the date it prepared the October 9, 2012, Hearing Summary, Claimant credibly testified that, although she had been advised by her employer that it had completed the VOE and faxed it twice to the Department, after she received the Notice of Case Action denying her application for failure to provide verification, she hand-delivered a copy of the VOE to her caseworker who advised her that the matter would be taken care of. Although Claimant's testimony indicated that she delivered the VOE after she was notified by the Department that her application was denied, in the absence of any evidence by the Department concerning the due date of the VOE, the Department has failed to establish that Claimant's verification was untimely. See BAM 130 (May 1, 2012), pp 5-6. Furthermore, the Department is required to reregister and process a FAP application if the client submits requested verifications within 60 days of the application date. BAM 130 (May 1, 2012), p 5. Because Claimant credibly established that she submitted the VOE within 60 days of her FAP application, the Department did not act in accordance with Department policy when it failed to reregister and process the FAP application.

At the hearing, the Department also contended that Claimant's application was properly denied because there was a child support noncooperation sanction on her record. A client is disqualified from receiving Department benefits if she has failed to comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance. BEM 255 (December 1, 2011), p 1. At application, the Department is required to inform a client with a child support noncooperation on file in a Verification Checklist (VCL) to contact the Office of Child Support (OCS). BEM 255, p 10. A disqualification is imposed if the client fails to cooperate on or before the VCL due date. BEM 255, p 10.

In this case, the Department failed to present any evidence to show that it complied with Department policy to the extent that it denied Claimant September 2012 MA and FAP application on the basis of child support noncooperation.

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 when .
 did not act properly when it denied Claimant's FAP and MA application for failure to verify requested information or for child support noncooperation.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record and above.

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

1. Remove any child support disqualification from Claimant's record;
2. Reregister Claimant's September 2012 FAP and MA application;
3. Begin reprocessing the application in accordance with Department policy and consistent with this Hearing Decision, including requesting any necessary verifications;
4. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from the date of her September 2012 application ongoing;
5. Provide MA coverage to Claimant that she is eligible to receive based on her September 2012 application;
6. Notify Claimant in writing of its decision in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 14, 2013

Date Mailed: January 14, 2013

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.

201313120/ACE

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

ACE/hw

cc:

