

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-17992  
Issue Nos.: 1038, 2006, 3008  
Case No.: [REDACTED]  
Hearing Date: February 7, 2013  
County: Wayne (19)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**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 February 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist, [REDACTED] Jobs, Education and Training (JET) Coordinator, and [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 January 1, 2013, the Department  
 denied Claimant's application     closed Claimant's case  
for FAP and MA, due to a determination that Claimant did not provide updated  
Redetermination information, and with regard to the FIP program, due to a  
determination that she did not establish good cause for nonparticipation in work-  
related activities at a triage conference.
  
3. On December 3, 2012 (FAP and MA) and December 13, 2012 (FIP), the Department  
sent  
 Claimant     Claimant's Authorized Representative (AR)  
notices of the     denial.     closure.
  
4. On December 13, 2012, Claimant filed a hearing request, protesting the  
 denial of the application.     closure.

### **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.

Additionally, the following findings of fact and conclusions of law are entered in this case.

On December 3, 2012, the Department informed Claimant of its Intended Action to terminate her FIP benefits. The Intended Action was to be based on a triage conference determination that she had no good cause for her failure to participate in

work-related activities. Claimant thereafter submitted incomplete documentation, and did not submit additional documentation in evidence at the triage or the administrative hearing.

On December 13, 2012, the Department informed Claimant of its Intended Action to terminate her FAP and MA benefits because she had not submitted Redetermination paperwork necessary to update her income and assets. Claimant thereafter never submitted the Redetermination form and information, and did not submit it in evidence at the administrative hearing.

With regard to FAP and MA, the Department's Bridges Administrative Manual (BAM) 105, "Rights and Responsibilities," requires the Department to determine eligibility, provide benefits and protect clients rights. In addition, BAM 105 requires clients to cooperate fully with the Department's requests for information and documentation. Department of Human Services Bridges Administrative Manual (BAM) 105 (2012). This policy is applicable to this case.

Applying BAM 105 to this case, and having reviewed all of the evidence in the case as a whole, it is found and determined that Claimant did not provide sufficient information to the Department for the Department to make benefit calculations. It is found and determined that the Claimant did not cooperate fully with the Department's request for information. Therefore, the Department acted correctly in terminating Claimant's FAP and MA benefits, and its action shall be upheld.

With regard to the FIP program, Bridges Eligibility Manual (BEM) 233A, "Failure to Meet Employment and/or Self-Sufficiency-Related Requirements: FIP," is the applicable policy in this case. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2012).

The evidence in this case establishes that Claimant failed to submit job search documentation for the week of October 22, 2012 and did not explain this failure at the triage or the administrative hearing. Also, Claimant failed to explain at the triage or the administrative hearing, why she did not appear for JET appointments on November 21, 2012 and December 3, 2012. Third, although Claimant did submit medical documentation from October 29-November 20, 2012, she failed to produce documentation of her activity from November 21-27, 2012, at the triage or the administrative hearing. Dept. Exh. 1, pp. 4-11.

Based on all of the evidence in this case considered as a whole, it is found and determined that with regard to the FIP program the Department acted correctly at the December 13, 2012, triage in finding that Claimant did not have good cause for her failure to comply with the requirements of the JET program. While it is true that the Claimant was hospitalized from October 29-November 20, 2012, Claimant failed to produce documentation regarding her job search for October 22-26, 2012. The Department had not received it as of the time of the triage December 13, and it was not produced at the hearing. The evidence establishes that Claimant failed to appear for

JET appointments on at least two occasions, and this also constitutes noncooperation. The Claimant was also given an extension of time to December 27, 2012 in which to provide documentation and she failed to do so. The Department's termination of FIP benefits in this case is affirmed.

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.



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

Date Signed: February 8, 2013

Date Mailed: February 11, 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.

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

JL/tm

cc:

