

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013 20836
Issue No.: 1025, 6015, 3008
Case No.: [REDACTED]
Hearing Date: February 13, 2013
County: Oakland (04)

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 February 13, 2013 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED] ES, appeared as Interpreter for Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES. A witness for the Department of Human Services, [REDACTED] also appeared.

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 type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input checked="" 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 FIP Cash assistance and CDC (Day Care benefits)
 received benefits for Food Assistance:
- | | |
|--|---|
| <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 type="checkbox"/> Medical Assistance (MA). | <input checked="" type="checkbox"/> Child Development and Care (CDC). |

2. On 11/21/12 (Child Development and Care Application) and on 11/16/12 (FIP Cash Assistance), the Department denied Claimant's application closed Claimant's Food Assistance case due to non-cooperation with Oakland County Prosecutor's request to appear and provide paternity information for child support efforts. (Exhibit 1 and 2.)

The Claimant was sent notice to appear on June 8, 2012 by the Oakland County Prosecutor's Office and was required to present valid identification. The Claimant did not appear and does not have a valid identification. (Exhibit 3.)

At the Hearing it was determined that the Claimant was not legally in the United States and was residing illegally.

The Department also sent a Verification Checklist requesting that the Claimant provide proof of earnings and employment, and contact the Office of Child Support to assist the OCS in obtaining child support for her children. (Exhibit 1.)

The Oakland County Prosecutor advised the Department that Claimant was in non-cooperation on 6/29/12 by placing Claimant in non-cooperation status in the MiCSES system. Exhibit 3.

3. On 12/18/12, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure.
4. On 12/2/12, Claimant filed a hearing request, protesting the denial of the application FIP(cash) and CDC(day care) closure of the Food Assistance case.

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.

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 AACRS, Rule 400.3151 through Rule 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 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, the Department took action to deny the Claimant's application for FIP cash assistance and CDC child day care when it was advised that the Claimant failed to cooperate with a request to appear regarding attempts to obtain child support enforcement by the Oakland County Prosecutor's office (OCP). The Claimant did not appear as requested on 6/8/12 and testified at the hearing that she did not have a valid identification which was required to be presented. The Oakland County Prosecutor in charge of Claimant's case appeared and testified at the hearing and advised that Claimant did not appear. He further credibly testified that prior to the appearance Claimant advised his office that she did not have a valid identification and that she was in the United States illegally. Under these circumstances, due to the Claimant's failure to cooperate and failure to provide requested identification, the Department correctly denied the Claimant's application for both FIP and CDC as she could not present identification and therefore failed to cooperate.

Additionally, the Department, pursuant to a request for verification dated 12/5/12, sought employment and earnings information as well as advised the Claimant to contact the Office of Child Support to comply with Child Support requirements and to determine the Claimant's eligibility for CDC and FIP benefits. The Claimant never responded to the request for verification and thus the Department also closed the Claimant's Food Assistance case because she failed to verify income for purposes of determining FIP benefits.

Based upon the facts presented and the testimony of the witnesses as well as the documentary evidence, it is determined that the Department properly denied the Claimant's FIP and CDC application for refusal to cooperate. BAM 115 and BEM 255

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.


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

Date Signed: February 20, 2013

Date Mailed: February 20, 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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc:

