

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201321026
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: February 6, 2013
County: Wayne (17)

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 February 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant; [REDACTED], Claimant's authorized hearing representative (AHR); and [REDACTED], translator. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager, and [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on Claimant's failure to verify requested information?

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 was an ongoing recipient of FAP benefits.
2. On September 12, 2012, the Department sent Claimant a Wage Match Client Notice seeking verification of her daughter's employment at [REDACTED] from January 1, 2012, to present, with information due on October 12, 2012.
3. Claimant did not respond to this Notice.

4. On November 15, 2012, the Department sent Claimant a Notice of Case Action closing her FAP case effective December 1, 2012, based on her failure to respond to the September 2012 Wage Match Client Notice.
5. On November 15, 2012, the Department sent Claimant another Wage Match Client Notice seeking verification of her daughter's employment at [REDACTED] from April 1, 2012 to present, with information due on December 17, 2012.
6. On November 22, 2012, the Department received a response to the November 15, 2012, Wage Match Client Notice from the employer.
7. On January 3, 2012, Claimant filed a request for 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, the Department became aware pursuant to a wage match with the Unemployment Insurance Agency (UIA), that Claimant's daughter, a member of Claimant's FAP group at the time, had received employment income in the first quarter of 2012 that had not been reported to the Department. When there is a discrepancy between the wage match information and the client's work history stated on an application or other information in the client's case record, the Department must request verification from the client by sending a Wage Match Client Notice (DHS-4638). BAM 802 (December 1, 2011), p 2. If verifications are not returned by the 30th day, the case will close for a minimum of 30 days after appropriate actions are taken in the Department's system, unless the client returns verifications. BAM 802, p 2.

In this case, the Wage Match Client Notice was sent to Claimant on September 12, 2012, requesting wage verification for January 1, 2012, ongoing, either by having the employer complete the form or by submitting paystubs. The verification was due October 12, 2012. No response was received to this Wage Match Client Notice. Claimant denied receiving this Wage Match Client Notice. However, she confirmed that the Notice was properly addressed to her and presented no evidence to rebut the presumption that it was received. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976). Furthermore, the November 15, 2012 Notice of Case Action sent to Claimant notifying her of the closure of her FAP case effective December 1, 2012, informed her that the reason for the closure was that the Watch Match report sent to her in September 2012 had not been returned. Therefore, Claimant should have been aware that the Department intended to close her case because she had failed to complete a document sent to her in September 2012. Under these facts, the Department acted in accordance with Department policy when it closed Claimant's FAP case for failure to provide verifications requested in the September 2012 Wage Match Client Notice.

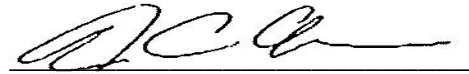
Although the Department acknowledged that it received a completed Wage Match Client Notice on November 22, 2012, this Notice was sent to Claimant on November 15, 2012, and, because it was issued in connection with a *second* quarter wage match with UIA records, it requested information from April 1, 2013, ongoing. Therefore, the Wage Match Client Notice sent on November 15, 2012, did not request the same information as the Wage Match Client Notice sent to Claimant on September 12, 2012, which requested wage verification from January 1, 2012, ongoing.

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 it closed Claimant's FAP case for failure to verify requested information.

did not act properly when .

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



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

Date Signed: 2/11/13

Date Mailed: 2/11/13

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

ACE/hw

cc:

