

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

IN THE MATTER OF:



Reg. No.: 2013-31803
Issue Nos.: 1022; 2015; 3014
Case No.: [REDACTED]
Hearing Date: April 1, 2013
County: Wayne (82-57)

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 April 1, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly process Claimant's request to add three of her minor children in her Food Assistance Program (FAP), Family Independence Program (FIP), and Medical Assistance (MA) cases?

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, FIP and MA benefits.
2. On June 14, 2012, three of Claimant's children, [REDACTED], moved into her household
3. Beginning June 14, 2012, Claimant requested that the Department add the three children to her existing FIP, FAP and MA cases.

4. Although Claimant consistently asked that her children be added to her cases and filed change reports showing that the children had moved into her home, the Department did not process Claimant's reported changes.
5. On February 21, 2013, 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.

A client must report changes, including changes in persons living in the home, within ten days of the change. BAM 105 (March 1, 2013), p 7. Changes may be reported in person, by mail or by telephone. BAM 105, p 8.

In this case, Claimant credibly testified that [REDACTED] moved into her home on June 14, 2012, and that she notified the Department of this change at the time, and monthly thereafter. Minor children living with Claimant must be included in her FIP and FAP groups. See BEM 212 (January 1, 2013), pp. 1-2; BEM 212 (November 1, 2012), p. 1.

The evidence established that the Department added [REDACTED], to Claimant's FAP case effective April 1, 2013. The Department presented no evidence showing that any of the children were added to Claimant's FIP case or provided with MA

coverage. Furthermore, although the worker did acknowledge that a notice from Claimant dated January 3, 2013, requesting that all three children be added to her case was in Claimant's file, there was no evidence that the Department had timely processed this member add. See BEM 515 (November 1, 2012), pp. 3-4; BEM 550 (February 1, 2012), p. 3; BEM 131 (October 1, 2010), p. 1. The Department failed to establish any valid reason supported by the evidence for failing to add Claimant's children to her cases following her timely reporting of the children's return to her home.

Based on the facts in this case, Claimant established that she had timely reported to the Department that [REDACTED] had moved into her home on June 14, 2012, and requested that they be added to her cases and the Department failed to process this member add request in accordance with Department policy.

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 failed to process Claimant's June 14, 2012, request to add her three children to her FIP, FAP and MA cases.

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. Begin processing Claimant's June 14, 2012, request to add her three minor children to her FIP, FAP and MA cases;
2. Issue supplements to Claimant for any FIP and/or FAP benefits she was eligible to receive but did not from June 14, 2012, ongoing;
3. Provide MA coverage to Aubrey, Jamil and Jariah that they were eligible to receive but did not from June 14, 2012, ongoing; and
4. 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: April 3, 2013

Date Mailed: April 3, 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

ACE/pf

cc:

