

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013 32108
Issue No.: 3008, 2006, 1005
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Wayne County (18)

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 March 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIS, and [REDACTED], Jet Coordinator.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | |

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. On December 11, 2012 the Claimant was sent a redetermination form for Food Assistance (FAP) and Medical Assistance to be completed by January 2, 2013.

3. Claimant did not return the redetermination by the due date. On January 31, 2013 the Department closed the Claimant's FAP case for failure to return the redetermination. No Notice of Case Action was required as closure was due to failure to complete redetermination.
4. The Department spoke to the Claimant on January 30, 2013 and advised her that she would leave a new redetermination form for the Claimant at the front desk. The form was never picked up by the Claimant.
5. On February 1, 2013 by Notice of Case Action dated January 19, 2013, the Department closed the Claimant's Medical Assistance when she did not return the redetermination forms.
6. On December 19, 2012 the Claimant provided the Department a Medical Needs Form completed by her doctor in support of a deferral to attend the Work First program. The Medical Needs Form indicated that the Claimant's impairments would exceed 6 months so the Department began to process a deferral.
7. On February 17, 2013 the Department sent the Claimant a Medical Determination Verification Checklist with proofs due by January 28, 2013.
8. An extension was granted by the Department to respond to the Medical Determination Verification Checklist until February 8, 2013. The Claimant did not return the requested documents and only provided a blank DHS 49 which was not completed by her doctor.
9. The Department closed the Claimant's FIP case on March 1, 2013 due to the Claimant failing to return the Medical Determination Verification Checklist which was to support the Claimant's deferral from the Jet program.
10. On February 8, 2013 the Claimant returned 2 of the 4 pages of the DHS 1010 redetermination after the due date. The Claimant admitted at the hearing that she had the first two pages but admitted she did not return them and did not pay attention to them.
11. On February 25, 2013, Claimant filed a hearing request, protesting the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.

CONCLUSIONS OF LAW

Department policies are found 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 1997 AACS R 400.3101-3131. 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 1997 AACS R 400.3001-3015

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

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 1997 AACS R 400.5001-5015.

Additionally, The Claimant conceded at the hearing that she failed to respond to the redetermination and when she did respond, the Claimant only submitted only 2 pages of the 4 pages and the pages were not submitted on time. The Claimant also failed to provide the MRT medical packet by the due date so that the MRT could have determined whether the Claimant was entitled to a deferral from the Work First program. The Claimant credibly testified that she did not provide the forms by the due date and although she was confused she did not ask for assistance. Under these circumstances the Department properly closed the Claimant's FAP and MA case due to failure to respond to the redetermination. The Claimant also credibly testified that she did not submit the MRT forms attached to the Medical Determination Verification Checklist as she had misplaced the forms. Under these circumstances the Department correctly determined that the Claimant had refused to cooperate or did not make a reasonable effort to provide the information and thus properly closed the Claimant's case. BAM 130 pp.5 (5/1/12).

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 improperly

closed Claimant's case.

denied Claimant's application.

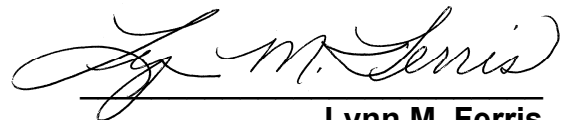
reduced Claimant's benefits.

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 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: April 2, 2013

Date Mailed: April 2, 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,

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- typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant;
- 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:

