

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

IN THE MATTER OF:



Reg. No.: 201335318, 201338213
Issue No.: 1005, 3008, 6043, 2008
Case No.: [REDACTED]
Hearing Date: April 25, 2013
County: Oakland County (#04)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted on Thursday, April 25, 2013 from Detroit, Michigan. Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Case Manager).

ISSUE

Whether the Department properly denied the Claimant's application for cash assistance (FIP), food assistance (FAP), medical assistance (MA) and Child Development 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. On January 28, 2013, the Department received the Claimant's application for FIP, FAP, MA and CDC benefits.
2. On February 21, 2013, a Verification Checklist (VCL) was sent to Claimant, requesting various verifications, which included proof of several homes be submitted by March 4, 2013. (Exhibit 1)
3. On March 4, 2013, the Claimant was granted an extension to submit the documentation and an appointment to speak with the Department worker in person on March 7, 2013 to get an explanation of some of the requested verification.

4. On March 7, 2013, the Claimant met with another Department worker because her worker was unavailable. She was instructed to submit quit claim deeds to several properties by March 11, 2013.
5. The Department date stamped the receipt of 6 quit claim deed forms as received from the Claimant on March 12, 2013. (Exhibit 3)
6. On March 11, 2013, the Claimant faxed to the Department, at 4:24 p.m., 7 pages that were received. (Exhibit 4)
7. On March 11, 2013, the Department sent Notice of Case Action informing Claimant that the application for FIP, FAP and CDC was denied due to failure to return requested verifications. (Exhibit 2)
8. On March 14, 2013 and March 27, 2013, the Department received the Claimant's separate written hearing requests protesting the Department's denial of the application for FIP, FAP, CDC and MA benefits. The two requests were combined at hearing, for efficiency purposes.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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 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 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.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (September 2012), p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (May 2012), p. 1. The client must obtain the required verification, however, the Department must assist if needed and/or requested. BAM 105, p. 8; BAM 130, p. 3. If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130, p. 3. If no evidence is available, the Department should use its best judgment. BAM 130, p. 3. Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130, p. 5. For FAP, a negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5. For MA purposes, a case action notice is sent when the client indicates refusal to provide verification or the time period provided has passed. BAM 130, p. 5.

In this case, the Claimant submitted an application for FIP, FAP, MA and CDC benefits. The Department initiated processing and sent a Verification Checklist to the Claimant with a due date of March 4, 2013. The Claimant requested an extension and indicated she needed an explanation of the requested verifications. She had an appointment to speak with the Department worker on March 7, 2013, to get the explanation. The Department worker was unavailable, and as result, the Claimant had to speak with another worker. Claimant testified that the other worker instructed her to simply submit quit claim deeds to several properties by March 11, 2013, and would speak to her worker about the other verifications that she did not understand. Claimant's testimony was not refuted, as the other Department worker did not participate in the hearing.

The Department representative testified that the quit claim deeds were date stamped by the Department as received on March 12, 2013. Therefore, she denied the application on March 11, 2013 for failure to provide verifications. She further stated that if the documents were submitted on time she would have granted the Claimant another extension and provided additional explanation/clarification of what was needed. Claimant testified that she submitted six quit claim deed forms to the Department by fax on March 11, 2013 as instructed. Evidence shows that Claimant faxed 7 pages to the Department on March 11, 2013 at 4:24 p.m. (see Exhibit 4). While the Department may have date stamped the documents on March 12, 2013 it appears they were received before closing on March 11, 2013. Policy provides that verifications are timely if received by the date due, and if faxed, the transmission date is the receipt date. BAM

130, p. 5. Therefore, I find the Claimant made a reasonable effort to submit the requested verification as instructed.

According, the Department's action is not upheld.

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 not act properly when it denied the Claimant's January 28, 2013 application for FIP, FAP and CDC benefits for failure to return verifications.

Accordingly, the Department's FIP, FAP, MA and CDC decision is hereby, REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Claimant's January 28, 2013 application and initiate processing in accordance with policy.
2. The Department shall assist the Claimant as needed or requested with verifications in accordance with policy.
3. The Department shall issue a supplement for any lost FIP and/or FAP benefits if the Claimant is otherwise eligible and qualified to receive in accordance with policy.

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/2/2013

Date Mailed: 5/2/2013

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,
 - 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

MH/hw

cc:

