

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-9953
Issue Nos.: 1080, 3014, 6019
Case No.: [REDACTED]
Hearing Date: January 3, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 January 3, 2013, at Detroit, Michigan. Participants on behalf of Claimant included the Claimant and her Authorized Representative, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Jobs, Education and Training (JET) Specialist.

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 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)? |

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 benefits received benefits for:

- | | |
|--|---|
| <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 September 1, 2012, the Department
 denied Claimant's application closed Claimant's FIP case
due to a determination that Claimant reached the FIP 48-month limit for receiving
benefits.
3. On August 4, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On November 30, 2012, the Department
 denied Claimant's CDC application closed Claimant's case
due to a determination that Claimant was ineligible because she failed to verify her
hours of employment.
5. On November 30, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
6. The Department failed to act on Claimant's FAP application.
7. On July 31, 2012, Claimant filed a hearing request, protesting the
 denial of the CDC application. closure of the FIP case.
 Department's failure to act on her FAP application.

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 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, there are three issues in this case, and each issue will be addressed separately. The following findings of fact and conclusions of law are entered in this case.

With regard to the closure of Claimant's FIP benefits, there is no dispute that Claimant received forty-eight (48) months of FIP benefits. The Department's Bridges Eligibility Manual (BEM) 234, "FIP Time Limits," is the Department policy applicable to this case. Department of Human Services Bridges Eligibility Manual (BEM) 234 (2011), p. 2.

In accordance with BEM 234, as Claimant has received the maximum forty-eight months of FIP benefits, the Department acted correctly in closing Claimant's FIP benefits. The Department is AFFIRMED with regard to its termination of Claimant's FIP benefits.

Next, with regard to Claimant's CDC application, at the hearing the Department stated that Claimant failed to verify her hours of employment, making it impossible for the Department to calculate a CDC benefit for her case. At the hearing the Claimant failed to present evidence of her hours of employment, child care services received, and income and employment. She also testified that she "waited" several months for income documents from one of her employers, the State of Michigan.

In accordance with Bridges Administrative Manual (BAM) 105, "Rights and Responsibilities," the Department must allow the customer at least ten days to provide the additional information needed to process an application. Department of Human Services Bridges Administrative Manual (BAM) 105 (2012), p. 5. It is found and determined that in this case Claimant has not submitted sufficient evidence to establish that she cooperated with the Department within the ten-day framework. The Claimant's testimony at the hearing was insufficient to establish a basis for processing her CDC application. Accordingly, in reliance on BAM 105, it is found and determined that the Department acted correctly in denying Claimant's CDC application. The Department's denial of Claimant's CDC application is AFFIRMED.

The third and final issue presented in this case is whether Claimant is eligible for FAP benefits. It is undisputed that Claimant applied for FAP benefits for her daughter Demika. Having weighed the evidence as to the date of Claimant's application, it is found and determined that the Claimant's application date is July 31, 2012. This date can be found on Claimant's hearing request. Dept. Exh. 1, p. 2.

At the hearing the Department presented no evidence to contradict Claimant's assertion that [REDACTED] lived with her on July 31, 2012. Also, the hearing request states that [REDACTED] began living with the Claimant on [REDACTED]. The Department failed to present evidence to contradict this assertion.

A review of additional evidence on this point is presented next. Claimant testified that her [REDACTED] came to live with her on March 25, 2012. Claimant stated that on that date, she filed two Change Reports, one regarding the departure of [REDACTED] from Claimant's sister's home, and a second stating that [REDACTED] now resided with Claimant. However, Claimant did not have copies of these Reports, and Claimant's file was not available.

Claimant's testimony is inconsistent with the July 31, 2012, hearing request in which she states that her [REDACTED] came to live with her on [REDACTED]. Having weighed the evidence in this case, it is found and determined that the July 1, 2012 date is more reliable as it is closer in time to the actual events of this case.

Also in regard to this issue the Department presented two State Emergency Relief applications submitted by Claimant's [REDACTED] in August and September, 2012, listing [REDACTED] as a member of her family group. Dept. Exhs. 2, 3. These documents do not relate to the month of July, 2012, but to different times altogether, and it is therefore found that they have little or no weight in the determination of group membership as of July 31, 2012.

BAM 110, "Application Filing and Registration," states that the date of application is determined by the date the Department has the minimum information required to register the application. Department of Human Services Bridges Administrative Manual (BAM) 110 (2012), p. 4. The Department does not dispute that it had the necessary information to process the application with this effective date.

However, in this case the Department disputes that Claimant is eligible for FAP benefits as of that date because of other Department records showing that Demika was a member of the aunt's family group. At the hearing the Department presented no record evidence to verify that on July 31, 2012, [REDACTED] was a member of another family group. Accordingly, it is found and determined that there is insufficient evidence to establish that [REDACTED] was a group member of another group on July 31, 2012. It is further found and determined that the Department failed to act on Claimant's application for FAP benefits. The Department's failure to act is REVERSED, and the Department shall be ordered to act on Claimant's FAP application.

In conclusion, 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 closed Claimant's FIP case
- properly denied Claimant's CDC application
- improperly denied Claimant's FAP application
- 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 with regard to Claimant's FIP benefits and Claimant's CDC application, and,
- did not act properly with regard to Claimant's FAP application.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decisions are is AFFIRMED REVERSED for the reasons stated on the record.

Accordingly, the Department's FAP decision is REVERSED for the reasons stated on the record.

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

1. Reinstate Claimant's FAP application.
2. Initiate procedures to provide retroactive and ongoing FAP benefits to Claimant as of July 31, 2012, at the benefit level to which she is entitled.
3. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 7, 2013

Date Mailed: January 7, 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

JL/tm

cc:

