

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

IN THE MATTER OF:

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Reg. No.: 2014-28070
Issue No(s): 1000;3003;6000
Case No.: ██████████
Hearing Date: March 19, 2014
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on March 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Specialist and ██████████, Family Independence Manager.

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits?

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 May 28, 2013, Claimant submitted an application for FIP benefits.
2. On June 10, 2013, the Department sent Claimant a Notice of Case Action informing her that her FIP application had been denied on the basis that her income exceeded the limit. (Exhibit 4)
3. Claimant was an ongoing recipient of FAP benefits.
4. On October 15, 2013, the Department sent Claimant a Redetermination for her FAP case that was to be completed and returned to the Department by November 1, 2013.

5. Claimant's FAP case closed effective November 30, 2013.
6. On an unverified date, Claimant submitted an application for CDC benefits.
7. On February 11, 2014, the Department sent Claimant a Notice of Case Action informing her that she was approved for CDC benefits, effective December 29, 2013. (Exhibit 3).
8. On February 14, 2014, Claimant submitted a hearing request 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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

FIP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Bridges Administrative Manual (BAM) 600 (July, 2013), p. 4, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the present case, Claimant submitted an application for FIP benefits on May 28, 2013. On June 10, 2013, the Department sent Claimant a Notice of Case Action informing her that her FIP application had been denied on the basis that her countable earnings exceeded the application income limit for the FIP program. (Exhibit 4).

Claimant did not request a hearing to dispute this adverse action taken by the Department until February 14, 2014.

Claimant further testified that she submitted other applications for FIP benefits after the May 28, 2013, application, and that the Department failed to process them. The Department testified that it had no record of any FIP applications submitted by Claimant after May 28, 2013. Claimant did not have any additional identifying or supporting information to establish that she did submit a completed application to the Department and could not recall on what dates the applications were submitted.

There was no negative action taken by the Department with respect to Claimant's FIP benefits during the 90 days preceding the filing of her hearing request; therefore, her hearing request was not timely filed within ninety days of the June 10, 2013 negative action notice and is, therefore, DISMISSED for lack of jurisdiction. BAM 600, p 4.

CDC

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

The hearing was requested to dispute the Department's action taken with respect to Claimant's CDC application. Shortly after commencement of the hearing, Claimant testified that she understands and is satisfied with the actions taken by the Department and that she no longer had any issues to address with respect to her CDC application, as the Department had registered and processed the application and Claimant was approved for CDC benefits effective December 29, 2013. (Exhibit 3). Claimant further confirmed that she did not wish to proceed with the hearing concerning her CDC benefits. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding the CDC is hereby **DISMISSED**.

FAP

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (October 2013), p 1. A FAP client must also complete a phone interview. If the client misses the interview, Bridges sends a DHS-254, Notice of

Missed Interview. BAM 210, pp. 3-4. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p 2. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.10.

In this case, the Department testified that because it did not receive a completed redetermination form from Claimant by the end of the FAP certification period on November 30, 2013, it was not able to certify a new FAP benefit period and Claimant's FAP case automatically closed November 30, 2013. The Department stated that it received no communication from Claimant regarding her redetermination or her inability to submit a completed redetermination by the due date.

At the hearing, Claimant testified that she is not sure if she received the redetermination, but stated that her mother completes and submits all of the forms received by the Department, as Claimant was receiving mail at her mother's house at the time. Claimant testified that her mother completed the redetermination form and dropped it off at the local Department office before the due date. Claimant did not have any additional identifying or supporting information to establish that the redetermination was timely submitted as she could not recall when her mother dropped off the completed form to the Department.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Claimant's FAP case based on a failure to return a completed redetermination.

DECISION AND ORDER

Accordingly, Claimant's hearing request with respect to FIP and CDC is DISMISSED and the Department's FAP decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 21, 2014

Date Mailed: March 21, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]