

**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.: 14-001117
Issue No.: 2001; 3001; 6001
Case No.: ██████████
Hearing Date: May 29, 2014
County: WAYNE-DISTRICT 43

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 May 29, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP), Medical Assistance (MA) and Child Development Care (CDC) benefits for failure to provide employment verification?

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 is an ongoing FAP, MA, and CDC recipient.
2. On February 19, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP, MA, and CDC cases would close due to a failure to provide employment verification.
3. On April 14, 2014, 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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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.

Department policy holds that verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2014), p. 1. The Department testified that on February 19, 2014, it sent Claimant a Notice of Case Action notifying her that her FAP, MA and CDC cases would close because she failed to return the required employment verification. However, the Department was unable to articulate why a Verification Checklist (VCL) was sent to Claimant. There was no evidence that Claimant either reapplied for benefits or was required to complete a redetermination.

The Department failed to submit a copy of the VCL at the hearing. Additionally, Claimant testified that she never received the VCL. Claimant indicated that in February 2014, she was in between residences. However, she provided the Department with an email address. Claimant testified that she received emails from the Department that

she was unable to download and as a result she went into the Department on several occasions between February 2014 and April 21, 2014 when she learned her benefits had been stopped. Claimant was not told during any of her in-person appearances that a VCL had been sent. Accordingly, the Department has failed to show that a VCL was mailed to Claimant.

Additionally, the Department testified that the employment verification was initially due on February 28, 2014 but the due date was extended until March 10, 2014. Initially, the Department was unsure as to why the date had been extended. The Department subsequently stated that the due date had been extended at the request of the Claimant. Claimant testified that she did not request an extension and that she did not become aware that a VCL had allegedly been sent until April 21, 2014 when her daughter was denied admittance into daycare. Further, the Department was unable to articulate why the Notice of Case action was sent on February 19, 2014 if Claimant had until March 10, 2014 to return the requested information. Therefore, even if a VCL had been sent, it was premature for the Department to send the Notice of Case Action on February 19, 2014 notifying Claimant of the of the closure of her FAP, MA, and CDC benefits.

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 did not act in accordance with policy when it closed Claimant's FAP, MA and CDC cases for failure to verify employment.

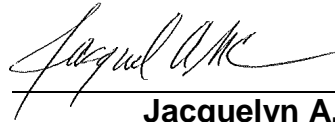
DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FAP and MA benefits effective April 1, 2014, ongoing;
2. Reinstate Claimant's CDC benefits effective March 9, 2014, ongoing;
3. Issue supplements to Claimant for FAP and MA benefits effective April 1, 2014, ongoing; and

4. Issue supplements to Claimant for CDC benefits effective March 9, 2014, ongoing.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/4/2014**

Date Mailed: **6/4/2014**

JAM/cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

