

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No.: 14-007908
Issue No.: 1004; 3001; 6001
Case No.: ██████████
Hearing Date: August 27, 2014
County: Wayne-District 57

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 27, 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.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) and Child Development and Care (CDC) benefits?

Did the Department properly process Claimant's application for Family Independence Program (FIP) 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 or about June 24, 2014, Claimant applied for FAP, CDC and FIP benefits.
2. On June 24, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting, among other things, verification of CDC provider assignment and residential address by July 7, 2014.
3. On June 25, 2014, the Department sent Claimant a VCL requesting verification of income, CDC provider assignment, and rent by July 7, 2014.

4. On July 11, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP case was closing effective July 1, 2014 because he had failed to verify rent, earned income, and residential address.
5. On July 15, 2014, the Department sent Claimant a Notice of Case Action notifying him that his CDC application was denied because he had failed to verify earned income and eligible provider/care arrangement.
6. On July 25, 2014, Claimant filed a request for hearing disputing the Department's actions concerning FAP, CDC and FIP.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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 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.

Additionally, Claimant requested a hearing to dispute the Department's actions concerning FAP, CDC and FIP.

It was unclear from the evidence presented if Claimant had an ongoing FAP case that closed effective July 1, 2014 or if the application he filed on or about June 24, 2014

included, in addition to a request for FIP and CDC, an application for FAP. Nevertheless, the evidence established that Claimant was denied FAP and CDC benefits because he failed to verify requested information. The Department testified that none of the documents requested in the June 24, 2014 and June 25, 2014 VCLs were scanned into its system. However, Claimant testified that he had brought in the requested documents prior to the July 7, 2014 due date; that he was bringing documents in on a daily basis, putting his identification number, name and phone number on each document, and submitting them to the front window; and that he signed the sign-in log at the front desk when he submitted documents. The Department acknowledged that clients could submit documents at the front window which it would then upload itself into its system. Claimant further testified that when he went to the prehearing conference, he advised the Department that he had timely submitted his documents and signed the log. The Department worker at the hearing was not at the prehearing conference and was unable to dispute Claimant's testimony. The Department did not review the sign-in log prior to the hearing to counter Claimant's testimony that he submitted the documents. Under the evidence presented, the Department failed to satisfy its burden of showing that properly denied Claimant's FAP and CDC benefits for failure to verify.

Although Claimant also requested a hearing concerning FIP, the Department did not address this issue in its hearing summary. Claimant testified that he had received a notice requiring him to attend Work First and did not recall receiving a Notice of Case Action denying his FIP case. The worker at the hearing could not testify regarding the status of Claimant's FIP application. However, Claimant's testimony that he had been notified to attend the Work First program establishes that the Department was processing Claimant's FIP case, which requires, as the first step to establishing eligibility, that the client comply with the 21-day application eligibility period. BEM 229 (July 2013), p. 1. Under the evidence presented, the Department was processing Claimant's FIP application in accordance with Department policy and Claimant failed to establish that he had been aggrieved by the Department's action concerning his FIP application as of his July 25, 2014 hearing request. Claimant is advised that he may request a hearing in accordance with policy if he disputes any subsequently occurring Department actions concerning his FIP application.

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 in processing his FIP application but did not act in accordance with Department policy when it denied his CDC and FAP benefits for failure to verify.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to processing Claimant's FIP application AND REVERSED IN PART with respect to denying his FAP and CDC benefits.

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 case effective July 1, 2014;
2. Reregister and reprocess Claimant's application submitted on or about June 25, 2014 for FAP and CDC eligibility;
3. Issue supplements to Claimant for any FAP and CDC benefits he was eligible to receive but did not from the date of application ongoing;
4. Notify Claimant in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/2/2014**

Date Mailed: **9/3/2014**

ACE / tlf

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

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]