

**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.: 14-003415
Issue No(s): 1000;6001
Case No.: ██████████
Hearing Date: August 27, 2014
County: Wayne (15)

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 August 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP) 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 January 9, 2014, Claimant submitted an application for FIP benefits that was denied by the Department.
2. On April 8, 2014, Claimant submitted a second application for FIP benefits that was approved.
3. Claimant was an ongoing recipient of CDC benefits.
4. Claimant's CDC case closed effective June 15, 2014. (Exhibit 1)

5. On June 2, 2014, Claimant submitted a hearing request disputing the Department's actions with respect to her FIP and CDC benefits.

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, 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.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because [a] claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department 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 Department of Human Services Bridges Administrative Manual (BAM) 600 (July 2014), p. 6, 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 January 9, 2014, that was denied by the Department in January 2014. Claimant reapplied for FIP benefits on April 8, 2014, and was approved. Claimant requested a hearing requesting that she be supplemented for a lapse in FIP benefits that she alleges occurred from January 9, 2014 to April 8, 2014, as a result of the Department's improper denial of her January 9, 2014 FIP application. Claimant stated that she was told by a Department worker that if the denial of the application was improper, she would be entitled to

receive supplemental FIP benefits; however, Claimant did not have any documentation to support her testimony regarding the conversation with the Department case worker.

At the hearing, Claimant testified that she received a Notice of Case Action in January 2014, informing her of the FIP application denial. Claimant did not file a request for hearing to contest the Department's actions until June 2, 2014. Claimant's hearing request was not timely filed within ninety days of the Notice of Case Action and is, therefore, **DISMISSED** for lack of jurisdiction. BAM 600, p. 6.

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.

In this case, Claimant was an ongoing recipient of CDC benefits. The Department testified that when Claimant submitted her April 8, 2014, application for FIP benefits, her CDC case and eligibility to receive CDC benefits was reviewed. The Department stated that because there was no employment on file for Claimant and because she was not enrolled in school, Claimant was no longer eligible for CDC benefits, as she had no need. Although the Department stated that a Notice of Case Action was sent to Claimant informing her of the CDC case closure effective June 15, 2014, it was not presented for review at the hearing, so the reason for intended action could not be verified.

In order to be eligible for CDC benefits, each parent must demonstrate a valid need for such benefits. BEM 703 (April 2014), p 1. There are four valid CDC need reasons. A valid need exists if the parent is unavailable to provide the care because of family preservation, high school completion, an approved activity or employment. BEM 703, pp 3-4, 5-12. The need must be verified by the Department.

At the hearing, Claimant testified that she was previously receiving CDC benefits under the family preservation need reason, as she suffered from mental illness and was being treated by a physician, which is considered an allowable condition of need according to BEM 703, p. 5. Claimant asserted that she continued to be eligible for CDC on the basis of family preservation and that the Department improperly closed her case.

The Department testified that after speaking with Claimant on June 9, 2014, it informed Claimant of what documents needed to be submitted to verify her need for CDC. Claimant stated that she submitted the appropriate documentation to the Department via fax on June 11, 2014, and provided confirmation pages for review at the hearing, as well as completed need verification forms. (Exhibit A). The Department representative stated that although Claimant may have turned in the required paperwork, it was sent to

a different case worker and not processed. Because the Department received the required information verifying Claimant's need for CDC benefits prior to the effective negative action date of June 15, 2014, the Department should have deleted the negative action and reactivated Claimant's CDC benefits pursuant to BAM 220 (July 2014), p.12.


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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's CDC case effective June 15, 2014.

DECISION AND ORDER

Accordingly, Claimant's hearing request with respect to FIP is DISMISSED and the Department's CDC 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 CDC case effective June 15, 2014;
2. Issue supplements to Claimant and her CDC provider from June 15, 2014, ongoing; and
3. Notify Claimant of its decision in writing.



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

Date Signed: September 17, 2014

Date Mailed: September 17, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

ZB/cl

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