

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

IN THE MATTER OF:

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

Reg. No.: 14-009484
Issue No.: 1000, 2000, 3001, 6004
Case No.: ██████████
Hearing Date: October 16, 2014
County: WAYNE (15)

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 October 16, 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 add Claimant as a group member for Food Assistance Program (FAP) benefits following the completion of the Intentional Program Violation (IPV) period?

Did the Department timely process Claimant's application for Child Care and Development (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. Claimant is an ongoing FAP recipient
2. In 2013, Claimant was found to have committed an IPV and was disqualified for a period of one year.
3. Claimant submitted an application for CDC benefits in April 2014.

4. Claimant never received an approval or denial regarding her application for CDC benefits.
5. On July 23, 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 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 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.

FIP

The hearing was requested to dispute the Department's action taken with respect to her FIP program benefits. Shortly after commencement of the hearing, Claimant testified

that she received the supplements that caused her to request the hearing and as such, she did not wish to proceed with a hearing relating to FIP benefits. The Request for Hearing relating to FIP benefits was withdrawn. The Department agreed to the dismissal of the hearing request as it related to FIP benefits. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding FIP benefits is, hereby, **DISMISSED**.

MA

The hearing was requested to dispute the Department's action taken with respect to her MA program benefits. Shortly after commencement of the hearing, Claimant testified that she did not return the redetermination by the required due date and that she understood why the Department closed her MA benefits. As such, she stated that she did not wish to proceed with a hearing relating to MA benefits. The Request for Hearing relating to MA benefits was withdrawn. The Department agreed to the dismissal of the hearing request as it related to MA benefits. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding MA benefits is, hereby, **DISMISSED**.

FAP

Claimant testified that she was found to have committed an IPV in 2013. This was Claimant's first IPV and as such, she was required to be disqualified from the FAP program for 12 months. BAM 720 (July 2013), p. 16. Claimant testified that she believed that the disqualification began in May or June 2013 and should have ended in May or June 2014. Claimant testified that she was never added back into the group as a member once the disqualification ended. The Department testified that Claimant was added back into the group in August 2014. However, the Department failed to present any evidence that Claimant was actually added back into the group or that August 2014 was the date Claimant was to be added back into the group. The undersigned was unable to locate the IPV decision and therefore it is found that the Department failed to meet its burden that it properly issued Claimant the correct amount of benefits following the end of her IPV disqualification.

CDC

Claimant testified that she completed an application for CDC benefits in April 2014. Department policy requires applications for CDC benefits to be processed within 45 days. BAM 114 (March 2014), p. 15. The Department testified that it never received the application. However, the Department presented no documents with respect to Claimant's other ongoing benefits for which she requested the hearing. The Department failed to provide a printout of benefits Claimant had applied for which would have shown if it actually received an application for CDC benefits. Additionally, it is possible that the application may have been lost. Claimant's testimony that she submitted an application for CDC benefits in April 2014 is found to be credible. Therefore, it is found that the Department failed to timely process Claimant's application for 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 failed to timely add Claimant back into her FAP group upon completion of the disqualification period. It is also found that the Department did not act in accordance with policy when it failed to timely process Claimant's application for CDC benefits.

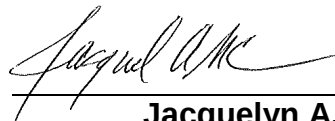
DECISION AND ORDER

The Request for hearing relating to FIP and MA benefits is hereby **DISMISSED**.

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. Add Claimant back into the FAP group as of the end of her IPV disqualification date;
2. Issue supplements to Claimant that she was eligible to receive but did not receive as of the end of her IPV disqualification date;
3. Reregister and reprocess Claimant's April 2014 application for CDC benefits;
4. Issue supplements to providers that were eligible for payment as a result of the April 2014 application that is to be reregistered and reprocessed; and
5. Notify Claimant in writing of its decision regarding her April 2014 application for CDC benefits.



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

Date Signed: **10/22/2014**

Date Mailed: **10/22/2014**

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CC: