

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

IN THE MATTER OF:



Reg. No.: 14-010441
Issue No.: 6001
Case No.: [REDACTED]
Hearing Date: November 05, 2014
County: EATON

ADMINISTRATIVE LAW JUDGE: Susanne Harris

HEARING DECISION

Following the 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, an in-person hearing was held on November 5, 2014, from Charlotte, Michigan. Participants on behalf of the Claimant included [REDACTED] and her Authorized Hearing Representative and mother, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Coordinator and Eligibility Specialist, [REDACTED] and Eligibility Specialist, [REDACTED].

PROCEDURAL HISTORY

This hearing was originally scheduled for October 9, 2014 at 9:00 AM. The Claimant's Authorized Hearing Representative requested an adjournment due to a conflict with her work schedule. On October 3, 2014, Administrative Law Judge C. Adam Purnell granted the Claimant's Authorized Hearing Representative's request and issued an Adjournment Order. The hearing was scheduled for November 5, 2014 and commenced as rescheduled.

ISSUE

Did the Department properly close the Claimant's case for Child Development and Care (CDC)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant received CDC benefits.
2. On August 24, 2014, the Department closed the Claimant's case due to the Claimant's failure to submit the requested verifications.

3. On July 31, 2014, the Department sent the Claimant its decision.
4. On August 8, 2014, Claimant filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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 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.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

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 9858g; 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.

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603.

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

The Claimant was also protesting that her MA case had closed. The Department conceded that the DHS-1606, Health Care Coverage Determination Notice was very confusing. The Department testified that the Claimant's children are both active and eligible for MA, yet they are on two different cases. The Claimant receives MA as an SSI recipient. After the hearing, the Claimant's Authorized Hearing Representative did submit evidence of an unpaid medical bill. This is not persuasive evidence of any Departmental denial of MA benefits. The Administrative Law Judge did suggest that the Department's workers meet with the Claimant to discuss the unpaid bill and possibly consolidate her cases, as the Claimant has a different worker for her CDC benefits than the worker she has for her MA benefits.

In this case, the Claimant testified that she received her redetermination papers from the Department just before the long Fourth of July weekend. Her verifications were due on July 10, 2014. The Claimant testified that she was having difficulty obtaining the verifications and she therefore called her departmental worker before July 10, 2014 to request an extension or in the alternative, request assistance from the Department's worker. The Claimant's worker was present at the hearing. She credibly testified that she received no telephone call from the Claimant. Her testimony was later supported by phone records which were submitted after the hearing and as such, her testimony is found to be credible and persuasive.

Additionally, Bridges Assistance Manual (BAM) 130 (2012) p. 2 provides that the Department worker tell the Claimant what verification is required, how to obtain it and the due date by using either a DHS-3503 Verification Checklist, or for MA determinations, the DHS-1175, MA Determination Notice to request verification. In this case, the Departments worker did just that.

Bridges Assistance Manual (BAM) 130 (2012) p. 5 provides that verifications are considered to be timely if received by the date they are due. It instructs Department workers to send a negative action notice when the client indicates a refusal to provide a verification, or when the time period given has elapsed and the client has not made a reasonable effort to provide it. In this case, the Administrative Law Judge determines that the time period to submit the verification had lapsed and the Claimant had made no reasonable effort to provide the verification. Nor did the Claimant telephone her departmental worker to request assistance. As such, the Administrative Law Judge concludes that the Department has met its burden of establishing that it was acting in

accordance with policy when taking action to close the Claimant's CDC case for failure to submit the required verification.

The Administrative Law Judge, based upon 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 took action to close the Claimant CDC case.

DECISION AND ORDER

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



Susanne Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/14/2014**

Date Mailed: **11/14/2014**

SEH/ hj

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:

