

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-018114
Issue No.: 2001; 3002; 1002
Case No.: [REDACTED]
Hearing Date: January 21, 2015
County: MACOMB-DISTRICT 20

ADMINISTRATIVE LAW JUDGE: Susanne E. 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, a telephone hearing was held on January 21, 2015, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED] and her witness, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator, [REDACTED] and PATH worker, [REDACTED].

ISSUE

Did the Department properly deny the Claimant's application for Family Independence Program (FIP), Food Assistance Program (FAP) and Medical Assistance (MA)?

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 applied for FIP, FAP and MA benefits and the Claimant was initially approved for FAP with a monthly allotment of \$ [REDACTED].
2. On December 1, 2014, the Department denied Claimant's application for FIP and on January 1, 2015, the Department closed Claimant's case for FAP due to the Claimant's failure to return the required verification.
3. There is no DHS-1605, Notice of Case Action in evidence regarding the Claimant's MA case. During the hearing, the Department testified that the Claimant and her children had MA as of September 1, 2014.
4. On November 21, 2014, the Department sent the Claimant its FIP and FAP decision.

5. On December 9, 2014, the 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.

In this case, the Department testified that the Claimant and her children had MA benefits as of September 1, 2014. However, the Claimant contested that she had MA and the Bridges screen print outs in evidence were not persuasive to this Administrative Law Judge. The record contained no healthcare determination notice indicating that the Claimant and her children had been approved for MA benefits.

The Claimant further testified that she could not return the requested verification of a bank account as she had no bank account. The Claimant testified that it had been so long since she did have a bank account that the bank could provide no written records indicating that she no longer had an account. The Claimant testified that she called the Department several times seeking assistance with the matter. The Claimant testified that nobody would return her phone calls. The Claimant testified that she has had five different departmental workers. The Department workers present at the hearing were not the Claimant's workers at the time the Claimant asserts that she telephoned the Department several times. Therefore, the Claimant's testimony could not be refuted by anybody having personal knowledge of the matter. The Claimant testified that during the

prehearing conference regarding this matter, the Department did make a collateral contact with the bank to verify that the Claimant had no account there.

Additionally, Bridges Assistance Manual (BAM) 130 (2014) 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 Department did exactly that.

Bridges Assistance Manual (BAM) 130 (2014) 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 Claimant indicates a refusal to provide a verification, or when the time period given has elapsed and the Claimant 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. However, the Administrative Law Judge determines that the Claimant had made a reasonable effort to provide the verification. The Claimant contacted the bank and was told she could not be given written verification of a closed account. The uncontested testimony is that the Claimant did then telephone the Department seeking assistance with the matter. It was not until the prehearing conference that a collateral contact with the bank was made.

As such, the Administrative Law Judge concludes that the Department has not met its burden of establishing that it was acting in accordance with policy when taking action to deny the Claimant's FIP application and close the Claimant's FAP case for failure to submit the required verification. Furthermore, the Administrative Law Judge is not persuaded that the Claimant's MA case was opened on September 1, 2014.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed the Claimant's application for MA, when it denied the Claimant's application for FIP and closed the Claimant's case for FAP.

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. Redetermine the Claimant's eligibility for MA back to September 1, 2014, and
2. Redetermine the Claimant's eligibility for FIP and FAP back to November 6, 2014, and

3. Issue the Claimant any supplement she may thereafter be due.



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/26/2015**

Date Mailed: **1/26/2015**

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 48909-8139

CC:

