

**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.: 2014-22078
Issue No(s): 1002; 2002; 3004; 6000
Case No.: ██████████
Hearing Date: February 6, 2014
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 February 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Family Independence Manager.

ISSUES

Did the Department properly deny Claimant's Family Independence Program (FIP) application effective December 1, 2013, ongoing?

Did the Department fail to process Claimant's Food Assistance Program (FAP) application dated November 5, 2013?

Did the Department properly deny Claimant's Medical Assistance (MA) application effective December 1, 2013, ongoing?

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 November 5, 2013, Claimant applied for FAP, MA, and FIP benefits. See Exhibit 1.
2. On December 3, 2013, the Department sent Claimant a Verification Checklist (VCL), which was due back by December 13, 2013. See Exhibit 1.

3. On December 10, 2013, Claimant submitted the requested verifications.
4. On December 17, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP and MA applications were denied effective December 1, 2013, ongoing, due to her failure to comply with the verification requirements. See Exhibit 1.
5. On January 9, 2014, Claimant filed a hearing request, protesting her FAP, MA, FIP, and Child Development and Care (CDC) denial. See Exhibit 1.

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, 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 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.

Preliminary matter

As a preliminary matter, Claimant also requested a hearing disputing her CDC denial. See Exhibit 1. However, during the hearing, Claimant testified that she is no longer disputing her CDC benefits. Thus, Claimant's CDC hearing request is DISMISSED.

FAP benefits

On November 5, 2013, Claimant applied for FAP benefits. See Exhibit 1. However, it was discovered during the hearing that no Notice of Case Action was sent in regards to the FAP application.

Any person, regardless of age, or their authorized representative (AR) may apply for assistance. BAM 110 (July 2013), p. 4. The Department must register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110, p. 19.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (July 15 2013), p. 15. For FAP applications, see BAM 115 for further exceptions. BAM 115, pp. 15-16.

Moreover, if the group is ineligible or refuses to cooperate in the application process, the Department must certify the denial within the standard of promptness and also send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 23. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 23.

Based on the foregoing information and evidence, the Department failed to process Claimant's FAP application in accordance with Department policy. It was discovered during the hearing that no Notice of Case Action was sent in regards to the FAP application. The evidence indicated that Claimant's FAP application dated November 5, 2013 was never processed. Therefore, the Department will process Claimant's FAP application dated November 5, 2013. BAM 110, pp. 4 and 19; BAM 115, pp. 15-16, and 23.

FIP and MA application

On November 5, 2013, Claimant applied for MA and FIP benefits. See Exhibit 1. On December 3, 2013, the Department sent Claimant a VCL, which was due back by December 13, 2013. See Exhibit 1. On December 10, 2013, Claimant submitted the requested verifications. On December 17, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP and MA application was denied effective December 1, 2013, ongoing, due to her failure to comply with the verification requirements. See Exhibit 1. The Department testified that it denied the MA and FIP benefits in error due to receiving the verifications timely.

For FIP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it request. BAM 130 (July 2013), p. 5. The Department sends a negative action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6.

For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it request. BAM 130, p. 6. The Department sends a case action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 7.

Based on the foregoing information and evidence, the Department improperly denied Claimant's FIP and MA applications effective December 1, 2013, ongoing, in accordance with Department policy. The Department testified that it denied the MA and FIP benefits in error due to receiving the verifications timely. Therefore, the Department will reregister the MA and FIP benefits. BAM 130, pp. 5-7.

DECISION AND ORDER


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 (i) failed to process Claimant's FAP application dated November 5, 2013 in accordance with Department policy; and (ii) improperly denied Claimant's FIP and MA applications effective December 1, 2013, ongoing, in accordance with Department policy.

Accordingly, the Department's FAP, FIP, and MA 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. Reregister the November 5, 2013 FAP, FIP and MA applications;
2. Begin reprocessing the application/recalculating the FAP, FIP and MA budgets from the date of application, in accordance with Department policy;
3. Issue supplements to Claimant for any FAP, FIP and MA benefits she was eligible to receive in accordance with Department policy; and
4. Notify Claimant in writing of its FAP, FIP and MA decision in accordance with Department policy.

IT IS ALSO ORDERED that Claimant's CDC hearing request is DISMISSED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 11, 2014

Date Mailed: February 11, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

EJF/cl

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