

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

IN THE MATTER OF:



Reg. No.: 15-008475
Issue No.: BVL
Case No.:
Hearing Date: July 8, 2015
County: DHHS SPECIAL PROCESSING

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

Petitioner filed a request for a hearing, under a United States District Court Order issued on January 9, 2015, which allowed the pursuit of potential benefit recovery related to a Michigan Department of Health and Human Services (Department or DHHS) criminal justice disqualification. This matter is now before the undersigned Administrative Law Judge pursuant to the United States District Court Order.

After due notice, a 3-way telephone hearing was held on July 8, 2015, from Detroit, Michigan. Joanna Ledbetter appeared on her own behalf. , Enrollment Specialist, appeared on behalf of the Department.

ISSUE

Did the Department deny, terminate or reduce Petitioner's benefits for the Family Independence Program (FIP), State Disability Assistance Program (SDA), Refugee Assistance Program (RAP), or Child Development and Care (CDC) due to fugitive felon status of Petitioner or a member of Petitioner's group during the timeframe of December 30, 2012 through January 9, 2015?

FINDINGS OF FACT

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

1. Petitioner either applied for or received, or was a member of a group that received, FIP/SDA/RAP/CDC benefits.
2. In *Barry v Corrigan*, No. 13-cv-13185, 2015 WL 136238 (ED Mich Jan 9, 2015), and its March 31, 2015 Order Regarding...Implementation of the Court's January 9, 2015 Order, the Court set forth a process by which applicants or beneficiaries of FIP/SDA/RAP/CDC benefits during the timeframe from December 30, 2012 to January 9, 2015 could seek restoration of the benefits through an administrative

hearing process. The process also required that the Department send notices to applicants and beneficiaries that were denied, terminated, or reduced FIP/SDA/RAP/CDC benefits. The notices were to include a Barry v. Lyon Request for Hearing Form which must be used to request an administrative hearing.

3. On [REDACTED], Petitioner filed a Barry v. Lyon Request for Hearing Form, before the deadline date identified on the form, seeking restoration of benefits due to the Department denying, terminating, or reducing FIP/SDA/RAP and CDC benefits during the timeframe from December 30, 2012 to January 9, 2015. See Exhibit A, p. 4.
4. The Department did not deny, terminate, or reduce Petitioner's or a member of Petitioner's group FIP/SDA/RAP or CDC benefits based on the fugitive felon status during the timeframe from December 30, 2012 to January 9, 2015.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The Refugee Assistance Program (RAP) program is established under P.L. 106-386 of 2000, Section 107, and administered by the Department of Health and Human Services pursuant to 45 CFR 400.45-.69 and 401.12 and MCL 400.10.

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 *Barry v Corrigan*, No. 13-cv-13185, 2015 WL 136238 (ED Mich Jan 9, 2015), the Court concluded that notices the Department sent clients and applicants from December 30, 2012 to January 9, 2015 denying, terminating, or reducing FIP/SDA/RAP/CDC benefits due to fugitive felon disqualification violated procedural due process under the Fourteenth Amendment to the U.S. Constitution. The Court's March 31, 2015 Order Regarding...Implementation of the Court's January 9, 2015 Order set forth a process for which applicants or beneficiaries of FIP/SDA/RAP/CDC benefits from December 30, 2012 to January 9, 2015 could seek restoration of the benefits through an administrative hearing process if those benefits were affected due to fugitive felon disqualification. Petitioner sought restoration of benefits through this administrative hearing process. The undersigned is obligated to determine whether Petitioner's benefits were affected due to fugitive felon disqualification pursuant to the Court's March 31, 2015 Order Regarding...Implementation of the Court's January 9, 2015 Order.

At the hearing, the Department testified that it did not deny, terminate, or reduce Petitioner's or a member of Petitioner's group FIP/SDA/RAP or CDC benefits based on the fugitive felon status during the timeframe from December 30, 2012 to January 9, 2015 (see Exhibit A, p. 2 (Hearing Summary)). The Department testified that Petitioner did not apply for Cash assistance during the time frame in question. The Department testified Petitioner did apply for CDC benefits during the time frame. However, the Petitioner was denied CDC benefits for other reasons unrelated to the fugitive felon disqualification.

During the hearing, Petitioner acknowledged that she did not apply for Cash assistance and therefore, Cash was not an issue in this case. However, Petitioner testified that her CDC benefits were denied, terminated, or reduced due to the fugitive felon disqualification for the period of December 1, 2014 to January 9, 2015. Petitioner testified that she was verbally informed by her Department caseworker on or before December 16, 2014, that she was denied based on the fugitive felon status. In fact, Petitioner testified that she turned herself in to the police department in order to resolve the fugitive felon status. Finally, Petitioner testified she applied for CDC benefits in July 2014 and never received any written response.

The Department testified that a review of the Department system showed that the Petitioner last applied for CDC application on [REDACTED]. The Department testified a Notice of Case Action (case action) was sent to the Petitioner on [REDACTED]. The notice indicated the Petitioner CDC benefits were denied effective [REDACTED], ongoing, for failure to comply with the verification requirements. The Department indicated there had been no subsequent case actions sent in regards to the CDC benefits.

Based on the foregoing information and evidence, the undersigned determines that the Department did not deny, terminate, or reduce Petitioner's or a member of Petitioner's

group FIP/SDA/RAP or CDC benefits based on the fugitive felon status during the timeframe from December 30, 2012 to January 9, 2015. As stated above, Petitioner's hearing request regarding the Cash assistance is not at issue in this case. Nevertheless, the Department responded to Petitioner's claim and determined that she was denied for other reasons unrelated to the fugitive felon disqualification. In fact, Petitioner failed to provide any documentary evidence that her CDC benefits were denied based on fugitive felon status during the time frame in question. As such, the undersigned finds that the Department has demonstrated that it did not deny, terminate, or reduce Petitioner's or a member of Petitioner's group CDC benefits based on the fugitive felon status during the timeframe from December 30, 2012 to January 9, 2015.

DECISION

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, determines that the Department **did not** deny, terminate or reduce Petitioner's benefits in one or more of the following programs: Family Independence Program (FIP), State Disability Assistance Program (SDA), Refugee Assistance Program (RAP), or Child Development and Care (CDC) due to fugitive felon status of Petitioner or a member of Petitioner's group during the timeframe of December 30, 2012 through January 9, 2015.



Eric Feldman
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/9/2015**

Date Mailed: **7/9/2015**

EF / hw

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Claimant may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System.

cc:

