

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-014201
Issue No.: BVL
Agency Case No.: [REDACTED]
Hearing Date: December 03, 2015
County: DHHS SPECIAL PROCESSING

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

The 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) 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 December 3, 2015, from Lansing, Michigan. The Petitioner, [REDACTED], appeared on her own behalf. Eligibility Specialist, [REDACTED], appeared on behalf of the Department.

ISSUE

Did the Department deny, terminate or reduce the 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 the Petitioner or a member of the 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. The Petitioner either applied for or received, or was a member of a group that received, FIP, SDA, RAP, or CDC benefits.
2. The Department did not deny, terminate, or reduce FIP, SDA, RAP, or CDC benefits during the timeframe from December 30, 2012 to January 9, 2015.
3. 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, or CDC benefits. The notices were to include a *Barry v. Lyon* Request for Hearing Form which must be used to request an administrative hearing.

4. On July 22, 2015, the 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, or CDC benefits during the timeframe from December 30, 2012 to January 9, 2015.
5. The Department did not deny, terminate, or reduce FIP, SDA, RAP, or CDC benefits during the timeframe from December 30, 2012 to January 9, 2015 due to fugitive felon status.

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, or 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, or 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. This Administrative Law Judge 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 hearing, the Department testified that it did not deny, terminate, or reduce FIP, SDA, RAP, or CDC benefits due to a fugitive felon disqualification during the relevant time period. The Petitioner expressed that she recalled that she did apply for and was denied cash assistance benefits. The Petitioner could not produce any documentation of such and the Eligibility Specialist at the hearing indicated that the Petitioner was denied cash assistance benefits for other reasons (failure to submit required verification; household member not eligible; excess income). The Eligibility Specialist did confirm that the Petitioner's Food Assistance Program (FAP) benefits were negatively impacted by a criminal justice disqualification. The Petitioner was informed that there will be a separate process to address a denial or closure of FAP benefits due to a criminal justice disqualification.

Additionally, this Administrative Law Judge took official notice during the hearing that the Bridges computer system often times will send a denial notice to a claimant which contains an inaccurate reason for denial. Indeed, it was the Bridges computer system and the inaccurate match with the state police that led to the lawsuit that prompted the instant hearing. Therefore, the Eligibility Specialist at the hearing was asked how it was that she could be so sure that any of the Petitioner's applications for cash assistance which were denied were not denied due to a criminal justice disqualification. The Eligibility Specialist testified that, if there is a denial for a criminal justice disqualification, the Bridges notice always cites that reason for the denial.

The testimony of the Departments Eligibility Specialist was detailed, specific and logical. Furthermore, the Departments Eligibility Specialist based her testimony on a contemporaneous review of the Petitioner's case as she had her computer and had access to all of that information during the hearing. The Petitioner's testimony was not nearly as specific and the Petitioner testified that she likely had no notices from the Department to support her testimony. As such, this Administrative Law Judge concludes

that the Department did not deny, terminate, or reduce FIP, SDA, RAP, or CDC benefits due to fugitive felon disqualification during the relevant time period.

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.

Susanne E. Harris

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

Date Mailed: **12/4/2015**

SEH/nr

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:

[REDACTED]