

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

IN THE MATTER OF:



Reg. No.: 15-002588
Issue No.: 3001, 6001
Case No.: [REDACTED]
Hearing Date: March 24, 2015
County: JACKSON

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 March 24, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Family Independence Specialist (FIS) Hamilton and Family Independence Manager (FIM) Baibak.

ISSUE

Did the Department properly close Claimant's Food Assistance Program on January 31, 2015?

Did the Department properly deny Claimant Child Development and Care Program benefits on January 26, 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. Claimant was an ongoing recipient of Food Assistance Program benefits. Claimant's eligibility was due for re-determination by January 31, 2015.
2. On December 16, 2014, Claimant was sent a Redetermination (DHS-1010) for her Food Assistance Program. The form and verifications were due back on January 5, 2015.
3. On January 13, 2015, Claimant was sent a Child Development and Care Provider Verification (DHS-4025) which was due back on January 23, 2015.
4. On January 26, 2015, the Child Development and Care Provider Verification (DHS-4025) had not been returned. Claimant was sent a Notice of Case Action (DHS-1605) which stated Child Development and Care Program benefits were denied from December 28, 2014 ongoing.

5. On January 31, 2015, Claimant's Food Assistance Program was closed.
6. On February 17, 2015, Claimant applied for Food Assistance Program benefits and was approved.
7. On February 20, 2015, Claimant submitted a hearing request.

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 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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

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.

Food Assistance Program

During the hearing Claimant testified that she mailed the Food Assistance Program Redetermination (DHS-1010) back in before Christmas. The Department representatives accessed BRIDGES records and testified that a Notice of Missed Interview had not been sent out. Bridges Administration Manual (BAM) 600 requires that for all programs, a client must receive a written notice of all case actions affecting eligibility or amount of benefits. When a Food Assistance Program certification is ending, the Notice of Missed Interview serves as the written notice of pending closure. The evidence in the record gives the impression that the Redetermination (DHS-1010) was returned. However, there is no discernable reason that the Food Assistance Program closed. The Department has failed to provide evidence which shows closure of the Food Assistance Program was a correct action.

Child Development and Care Program

During this hearing Claimant testified that she received the Child Development and Care Provider Verification (DHS-4025). However, Claimant testified that she did not receive it until January 22, 2015 so she could not get it back in on time. It was verified that the Child Development and Care Provider Verification (DHS-4025) was sent to the new address Claimant had reported. The Department met its responsibility by sending the Child Development and Care Provider Verification (DHS-4025) to the current

address of record Claimant had provided, with ten days allowed to provide verification of an eligible provider. Bridges Eligibility Manual (BEM) 703 CDC Program Requirements (2014) at page 1 states:

Eligibility for CDC services exists when the department has established **all** of the following:

There is a **signed application** requesting CDC services.

Each P/SP; is a member of a valid **ELIGIBILITY GROUP**; see Parent/Substitute Parent section in this item.

Each P/SP meets the **NEED** criteria as outlined in this item.

An eligible provider is providing the care.

All eligibility requirements are met.

The Department could not approve CDC benefits until an eligible provider was verified.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's Food Assistance Program on January 31, 2015.

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 acted in accordance with Department policy when it denied Claimant Child Development and Care Program benefits on January 26, 2015.

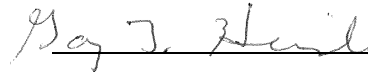
DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to Child Development and Care Program benefits and **REVERSED IN PART** with respect to Food Assistance Program benefits.

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. Reinstate Claimant's Food Assistance Program Redetermination and reprocess Claimant's eligibility for Food Assistance Program benefits from February 1, 2015 ongoing.

2. Send Claimant a current Food Assistance Program eligibility determination from February 1, 2015 ongoing and supplement Claimant any Food Assistance Program benefits she was otherwise eligible for but did not receive.



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/1/2015**

Date Mailed: **4/1/2015**

GFH/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:

[REDACTED]

BSC4- Hearing Decisions
M. Holden

[REDACTED]

G. F. Heisler
MAHS