

**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.: 15-015790
Issue No.: 1000, 3002, 6002
Agency Case No.: [REDACTED]
Hearing Date: October 13, 2015
County: OAKLAND-DISTRICT 2
(MADISON HTS)

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 13, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included Case Manager [REDACTED] and Family Independence Manager [REDACTED]. During this hearing Claimant testified that there is no Family Independence Program (FIP) issue that needs resolution. That portion of the case is dismissed.

ISSUE

Did the Department properly deny Claimant's July 8, 2015 application for Food Assistance Program (FAP) and Child Development and Care (CDC) benefits?

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 July 8, 2015, Claimant submitted an application for Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.
2. On July 10, 2015, Claimant was sent a Verification Checklist (DHHS-3503) a Verification of Employment (DHHS-38) and a Child Development and Care Provider Verification (DHHS-4025). The required verifications were due back on July 20, 2015.

3. On July 21, 2015, Claimant was sent another Verification Checklist (DHHS-3503). The requested verifications were due back on July 31, 2015.
4. On July 30, 2015, Claimant was sent another Verification Checklist (DHHS-3503) for both Food Assistance Program (FAP) and Child Development and Care (CDC). The requested verifications were due back on August 10, 2015.
5. On July 11, 2015, Claimant had not submitted verification of her earned income. Claimant was sent a Notice of Case Action (DHHS-1605) which stated her Food Assistance Program (FAP) application was denied.
6. On August 12, 2015, Claimant submitted her earned income verification. Claimant also submitted an incomplete Child Development and Care Provider Verification (DHHS-4025). Claimant was sent a Notice of Case Action (DHHS-1605) which stated her Child Development and Care (CDC) application was denied.
7. On August 25, 2015, Claimant submitted a hearing request.
8. The Department subsequently processed Claimant's Food Assistance Program (FAP) application from the date all required verifications were received and she was determined eligible for Food Assistance Program (FAP) benefits.

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).

Food Assistance Program (FAP)

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Bridges Administration Manual (BAM) 115 Application Processing, under Standards of Promptness, at page 16, provides the regular Food Assistance Program (FAP) standard of promptness as 30 days. The Subsequent Processing section at page 23 provides

guidance on Food Assistance Program (FAP) applications which are completed after denial but within 60 days of the application date.

In this case the application was submitted on July 8, 2015 so the 30 day standard of promptness fell on August 7, 2015. However, the July 30, 2015, Verification Checklist (DHHS-3503) was requesting verifications for Food Assistance Program (FAP) eligibility. Because the verifications requested on the checklist were not due until August 10, 2015, the Food Assistance Program (FAP) could not be denied before that date. On August 11, 2015 the Department had not received verification of Claimant's earned income. During the hearing Claimant did not dispute that the earned income verification was not submitted until August 12, 2015. Denial of the application on August 11, 2015 was a correct action in accordance with Department policy.

Claimant did provide the required earned income verification after August 11, 2015 but before September 6, 2015. The Department then followed the Subsequent Processing requirements in BAM 115 and Claimant was found eligible for Food Assistance Program (FAP) benefits from the date all required verifications were provided.

Child Development and Care (CDC)

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.

Bridges Eligibility Manual (BEM) 702 CDC Verifications, at page 2 states:

Verification Prior to Authorizing Benefits

Verify the children in care, the date care began, where care is provided and the provider's relationship to the children with the DHS-4025, Child Development and Care Provider Verification. This form must be signed by both the parent and all provider types (centers, homes, unlicensed) and is required:

- At application.
- When adding a child to an active CDC case.
- When there is a break in a provider's assignments.
- When a new provider is being assigned to a child.

During the hearing Claimant did not dispute that the Child Development and Care Provider Verification (DHHS-4025) submitted on August 12, 2015, was not signed by her. BEM 702 above shows that all the verification requirements to authorized CDC

benefits were not provided. Denial of the Child Development and Care (CDC) application on August 12, 2015 was a correct action.

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's July 8, 2015 application for Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Signed: **10/16/2015**

Date Mailed: **10/16/2015**

GFH / 

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

A large black rectangular redaction box covers the names and contact information of the recipients listed under the 'cc:' field.