



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 27, 2019
MAHS Docket No.: 18-013319
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

HEARING DECISION

Following Petitioner'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; 42 CFR 438.400 to 438.424; 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 February 21, 2019, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED] Case Worker.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] 2018 application for Family Independence Program (FIP) benefits?

Did the Department properly deny Petitioner's [REDACTED] 2018 application for State Emergency Relief (SER) 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 [REDACTED] 2018, Petitioner applied for FIP benefits.
2. On November 14, 2018, the Department sent Petitioner a Verification Checklist (VCL) which requested that she provide proof of her rent expense, children's school attendance and ATM balance.
3. The requested information was due to be returned on or before November 26, 2018.

4. On December 12, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application for FIP benefits had been denied.
5. On ██████████ 2018, Petitioner applied for SER benefits.
6. On December 10, 2018, the Department sent Petitioner a VCL which requested that she provide proof of her ATM balance.
7. The requested verification was due to be returned on or before December 17, 2018.
8. On December 14, 2018, the Department sent Petitioner a SER Decision Notice which notified Petitioner that her application for SER benefits had been denied.
9. On December 14, 2018, Petitioner filed a Request for Hearing disputing the Department's actions.

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 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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

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.

FAP/MA/SDA

The hearing was requested to dispute the Department's action taken with respect to the FIP/FAP/MA/SER benefits. Shortly after commencement of the hearing, Petitioner testified that there was no issue to resolve relating to her FAP or MA benefits and further stated that she did not wish to proceed with the hearing relating to FAP and MA benefits. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Further, the Department confirmed that Petitioner does not have an active SDA case. Accordingly, the hearing request filed in this matter relating to FAP, MA and SDA benefits, the Request for Hearing is, hereby, **DISMISSED**.

FIP

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. In this case, the Department sent Petitioner a VCL on November 14, 2018 requesting a copy of Petitioner's home rent, school attendance of her children and her ATM balance. The Department testified that it received the proof of home rent prior to the November 26, 2018 deadline but did not receive any of the remaining proofs prior to the due date. Petitioner testified that she talked with her assigned case worker on December 12, 2018 and agreed to bring in requested documents. However, Petitioner did not provide any explanation as to why she failed to return the documents prior to the November 26, 2018 due date. Petitioner acknowledged hand delivering documents on December 13, 2018, which was well after the required due date. As such, it is found that the Department properly denied Petitioner's application for FIP benefits for failure to timely verify requested information.

SER

The Department testified that following its receipt of Petitioner's application for SER benefits, it sent Petitioner a VCL requesting her ATM balance. The proofs were due or before December 17, 2018. On December 14, 2018, prior to the due date, the Department sent Petitioner a SER Decision Notice which notified Petitioner that her application for SER benefits had been denied. Petitioner testified, and the Department confirmed, that she talked with her assigned case worker on December 12, 2018 and agreed to bring the required proofs on December 13, 2018. Petitioner further testified that she hand-delivered the proofs on December 13, 2018. Petitioner's Electronic Case File shows that the documents were scanned in by the Department on December 19, 2018.

The Department testified that the normal practice is to enter the date into the ECF in which the documents were received and not the date they were scanned into the system, if the date is different. However, upon review of the documents, there was no date stamp to show on what date the documents were received. As such, it is found that the documents could have been received on December 13, 2018, as Petitioner stated, which would have been before the due date. Therefore, it is found that the Department improperly denied Petitioner's application for SER benefits.

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 Petitioner's [REDACTED] 2018 application for FIP benefits. Further, 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 did not act in accordance with Department policy when it denied Petitioner's [REDACTED] 2018 application for SER benefits.

DECISION AND ORDER

Petitioner's Request for Hearing relating to FAP, MA and SDA benefits, the Request for Hearing is, hereby, **DISMISSED**.

Further, the Department's decision is **AFFIRMED IN PART** with respect to the denial of FIP benefits and **REVERSED IN PART** with respect to SER 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. Reregister and reprocess Petitioner's application for SER benefits.
2. Notify Petitioner in writing of its decision.

JAM/tlf



Jacquelyn A. McClinton
Administrative Law Judge
for Robert Gordon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 763-0155; 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

Via Email:

MDHHS-Kent-Hearings
BSC3 Hearing Decisions
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
MAHS

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]