

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-15047
Issue No: 2006/3008/6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 28, 2009
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on May 28, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly close claimant's Food Assistance Program (FAP), Medicaid (MA) and Child Development and Care (CDC) cases at her mandatory redetermination?

FINDINGS OF FACT

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

- (1) On December 17, 2008, the department mailed claimant a redetermination application for FAP/MA/CDC.
- (2) With this application, the department requested in writing (on a verification checklist) all pay stubs, all asset records and all household expenses, as well as the

completion/return of all necessary daycare forms (the blank forms were enclosed with claimant's application packet).

(3) The deadline for submission of all these items was initially scheduled on claimant's mandatory redetermination interview date, January 8, 2009 (Department Exhibit #1).

(4) Claimant was a no show for her mandatory interview, and also, the department did not even receive her completed application (via mail) until thirty-four (34) days after it was mailed to her [Department Exhibit #4(A)(B)].

(5) Two days after receiving claimant's application, on January 22, 2009, her caseworker telephoned her and they again discussed what claimant would be required to submit in order to keep her case from closing at the end of her redetermination month (January, 2009).

(6) Claimant finally sent in a portion (not all) of the requested documents, but not until February 2, 2009 (Department Exhibit #6).

(7) By that time, claimant's case was closed as the department warned it would be.

(8) This warning was first stated on the verification checklist the department mailed to claimant on December 17, 2008, and again, on the closure notice dated January 30, 2009 (Department Exhibit #1 and #5).

(9) On February 17, 2009, the department received claimant's hearing request to dispute the department's negative action (case closure).

(10) Claimant stated at the hearing her car broke down on December 30, 2008, so she could not come to the local office; however, the phone interview the department conducted with claimant occurred long after claimant's purported care problem, and during it, the department allowed her until the end of her redetermination month to provide the necessary items (See also Finding of Fact #5 above).

(11) Claimant agreed on the record at hearing she did not attend the first scheduled redetermination interview (1/8/09).

(12) Likewise, the verifications claimant finally provided to the department after her case closed still did not contain everything the department originally asked for in their written request dated December 17, 2008 (See also Finding of Fact #2 above).

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human

Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The applicable departmental policy states:

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

At application and redetermination:

- . Thoroughly review all eligibility factors in the case.

Applications and redeterminations must be completed within the standards of promptness. See PAM 115, 210. PAM, Item 105, p. 11.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

The material facts of record in this case are clear/undisputed. Claimant did not provide all the verifications the department needed to keep her case open by the end of her redetermination month. As such, the department had no alternative but to close claimant's FAP, MA and CDC cases.

Claimant may reapply at any time. However, she must be aware she will be again be required to present the requested, necessary verifications in a timely manner as required by policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly closed claimant's FAP/MA/CDC cases at redetermination.

Accordingly, the department's action is AFFIRMED.

/s/

Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 1, 2009

Date Mailed: June 2, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MBM/db

cc:

