

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-27490
Issue No.: 1006/2006/3008/5000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 2, 2009
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on September 2, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Family Independence Program (FIP)?

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 claimant was a FIP, FAP and MA recipient and was required to participate in job related activities.
2. On March 7, 2009, the department sent the claimant a verification checklist requesting various pieces of information and a date for an in-person interview, on March 26, 2009, as part of a redetermination. (Department exhibit 1).

3. On March 26 2009, the claimant failed to attend the scheduled interview and did not contact the department to reschedule same.
4. On April 7, 2009, the department closed the claimant's FIP, FAP and MA.
5. On May 13, 2009, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. 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 (formerly known as the Family Independence Agency) 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 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 (formerly known as the Family Independence Agency) 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 State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, et seq., and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

In the instant case, the claimant requested action on an application for an SER to pay her water bill to the city of ██████. On November 21, 2008, the department sent the claimant a notice that it would pay \$175.00 when the claimant provided proof that she had paid \$237.28. This issue is beyond the 90 day limit allowing issues to be raised in a hearing.

**Deadlines for Requesting a Hearing
All Programs**

The AHR or, if none, the client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. (PAM 600, p. 4).

Here, the decision was made by the department on November 21, 2008, and the claimant requested this hearing on May 13, 2009, well beyond the 90 day limit.

The remainder of the issues raised pertains to the closing of the claimant's FIP, FAP and MA due to her lack of response to the redetermination requests.

At the hearing the claimant claimed that she didn't know about the request for the information or the scheduled interview.

REDETERMINATION

Local offices must assist clients who need and request help to complete applications and forms. See [PAM 115](#).

FIP Only

A **redetermination** (PRG) is a periodic case review which focuses on self-sufficiency issues and fulfillment of the Personal Responsibility Plan and Family Contract, and which also reestablishes eligibility of the group.

FIP cases must be redetermined at least every 12 months. Depending upon client circumstances, you may choose to redetermine a case more frequently than annually.

SDA, CDC, MA, AMP, TMAP and FAP

A **redetermination** is a periodic, thorough reevaluation of all eligibility factors to determine whether the group continues to be eligible for program benefits **or**, for **MA only**, whether a deductible case can remain active.

SDA, CDC, MA (except HK1, OHK) TMAP and FAP

A complete redetermination is required at least every 12 months. More frequent reviews are necessary for: (PAM 210, pp.1-2)...

And:

Denials

If there is a refusal to cooperate, you may deny the redetermination before the current benefit period expires. However, after the denial, if the group completes the interview and verification requirements within the original time limit and is otherwise eligible, issue benefits within 30 days after the redetermination.

Regardless of reason, any denial must be completed by the end of the benefit period or within 30 days **after** the redetermination filing date as long as the group has had adequate time to submit missing verifications. (PAM, p.15)

In the instant case, the claimant did not report for the scheduled in person interview nor did she contact the department to reschedule. The department was obligated to review the claimant's benefits and the claimant was responsible to cooperate in that review. The notice and documentation for a redetermination were sent to the correct address and the presumption is that they were correctly delivered therefore the claimant is obligated to respond.

This ALJ finds that the department correctly closed the claimant's FIP, MA and FAP, due to the claimant's lack of cooperation with the redetermination process.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/10/09

Date Mailed: 11/10/09

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 60 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.

MJB/jlg

cc:

