

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.: 2009-31755
Issue No.: 2027/3022/4001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 8, 2009
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on September 8, 2009. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FAP, MA, and SDA benefits effective July 30, 2009?

FINDINGS OF FACT

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

1. The Claimant was a FAP and MA/SDA recipient.
2. In May or June 2009, as part of the recertification process, the Department sent the Claimant a redetermination packet requesting that she attend a July 1st interview at 8:00a.m.

3. Prior to the scheduled interview, the Claimant contacted the Department requesting to reschedule.
4. On June 30, 2009, the Claimant brought in a completed DHS 1010 as requested. (Exhibit 1)
5. The interview was not rescheduled.
6. On July 23, 2009, the Department received the Claimant's written request for hearing. (Exhibit 2)
7. The Claimant's benefits terminated at the close of the benefit period on July 30, 2009.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally 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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Policy Glossary ("BPG").

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("DHS"), formally known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Department policies are found in the BAM, BEM, and BPG.

The State Disability Assistance ("SDA") program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program

purusant to MCL 400.10 *et seq.* and Michigan Administrative Code (“MAC R”) 400.3151 – 400.3180. Department policies are found in BAM, BEM, and BPG.

The Department periodically re-evaluates cases to ensure continued eligibility for benefits. BAM 210 For FAP purposes, a complete redetermination is required at least every 12 months. BAM 210 FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is entered. PAM 210 If the client does not submit a redetermination request, the benefit period expires. PAM 210 In order to receive uninterrupted benefits, the client must file one of the following by the 15th of the redetermination month:

- DHS 1171 assistance application or filing form, or
- DHS-2063B

BAM 210 The Department must process redetermination applications. BAM 220 The redetermination registration date is the date the signed application, along with the required minimum information, is received in the local office. BAM 110

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. BAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. BAM 105; BAM 130 If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130 If no evidence is available, the Department should use its best judgment. BAM 130 Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130

In the record presented, the Department sent the Claimant notification of a scheduled redetermination interview for July 1st at 8:00a.m. The Claimant testified credibly about trying to

have the interview rescheduled because she would be unable to physically get to the department via public transportation by 8:00a.m. Further, the Claimant brought in, prior to the scheduled interview, some of the requested verifications. The interview was not rescheduled resulting in the closure of benefits with the expiration of the benefit year. Under these facts, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department failed to act in accordance with Department policy when it terminated the Claimant's MA/SDA and FAP benefits.

Accordingly, it is held:

1. The Department's termination of benefits is REVERSED.
2. The Department shall re-open and process the Claimant's redetermination application received on June 30, 2008 in accordance with department policy.
3. The Department shall supplement for any lost FAP and MA/SDA benefits, effective August 1, 2009, the Claimant was entitled to received, if otherwise eligible and qualified in accordance with department policy.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/11/09

Date Mailed: 09/11/09

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.

CMM/jlg

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