

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: 2009-11320
Issue No: [REDACTED]
Case No: [REDACTED]
Load No: 8215001809
Hearing Date:
May 4, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, a hearing was held on May 4, 2009. The Claimant appeared and testified.

ISSUE

Did the Department properly close the Claimant's Medical Assistance (MA) and Food Assistance (FAP) case?

FINDINGS OF FACT

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

1. In December 2008 the Department initiated a FAP review for the Claimant's case. The Department sent out a review packet with a return date due back to the office within 10 days.
2. The Claimant testified he in fact returned the documents to the Department.

3. On December 19, 2008 the Department sent the Claimant and negative action letter indicating his FAP and MA would close.
4. On December 30, 2008 the Claimant requested a hearing.
5. The Department deleted the negative action and reinstated both the Claimant's MA and FAP benefits to their prior settings prior to the negative action.

CONCLUSIONS OF LAW

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).

In the present case, the Department initiated a FAP review on the Claimant's case providing 10 days for the return of verifications. The Claimant testified he had in fact sent in his materials. The Claimant testified he contacted the worker regarding the review and his submission of review materials and was told she had three stacks of mail on her desk and it may or may not be in those piles or may even be in the mail room. The Department did not dispute the Claimant's testimony. The Department allowed the Claimant's case to close citing a failure to receive his review materials as the reason. However the Department is unable to say whether the review materials were in the local office or not at the time of closure. The Claimant was essentially held hostage by the Department's lack of effort to process the mail received. This Administrative Law Judge (ALJ) is sympathetic to the volume of work placed upon a worker in local DHS offices

this in no way justifies the closing a case without ensuring documents were not in fact in the Department's possession. Instructing the Claimant to come back to the local office and complete new forms in order to keep the case open is at best poor customer service. This ALJ is disturbed by the Claimant's testimony which was not contradicted regarding him having to sit in the Department's lobby for over 3 and half hours in order to receive service.

Clearly the Department failed to process the review for the Claimant as required by policy. Sitting back and stating that the clients review materials may or may not be on a workers desk or in a mail-room is simply unacceptable and contrary to agency policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy when it closed the Claimant's MA and FAP case.

Accordingly, the Department's decision in this regard be and is hereby REVERSED. Since the Department has already reinstated the Claimant's FAP and MA case no further action is ordered.

/s/
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/27/09_____

Date Mailed: 6/1/09_____

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 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.

JWO/at

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