

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: 2009-14489
Issue No: 2006/3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 18, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 telephone hearing was held on March 18, 2009. Claimant personally appeared and testified under oath.

The department was represented by Roxann Foster (ES) and James White (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly process claimant's application for MA-P and FAP?

FINDINGS OF FACT

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

- (1) Claimant is a former MA-P/FAP recipient.
- (2) Claimant's eligibility for MA-P/FAP was scheduled for an eligibility review in

December 2008.

(3) Claimant's cases were scheduled to close automatically on December 30, 2008. To prevent the automatic closure, claimant was required to submit a complete application (by December 13, 2008) and have a face-to-face interview (December 9, 2008).

(4) In December 2008, the caseworker did not have a valid address for claimant.

(5) On September 11, 2008, the caseworker met with claimant to review claimant's continued eligibility for MA-P/FAP. At this meeting, the caseworker requested a current address. Claimant declined to provide one.

(6) The interview between claimant and the caseworker on September 11, 2008 was very short because claimant thought that the caseworker was being disrespectful.

(7) Claimant decided that he did not want to continue this September 11, 2008 meeting and abruptly left. Because claimant left prematurely, the caseworker did not have an opportunity to adequately explain the review process to claimant.

(8) Since claimant did not offer his current address, the caseworker sent claimant's MA-P/FAP application forms to: P.O. Box 1615, Flint, Michigan 48501. This is the address for the McCree DHS reception window. The McCree reception window is used for clients who do not have an alternate address.

(9) The caseworker did not have claimant's current address [REDACTED], [REDACTED] until January 26, 2009, when claimant submitted a hearing request with his current address on it.

(10) As soon as the caseworker learned of claimant's [REDACTED] address, she changed claimant's address on the DHS computer system.

(11) Claimant did not come to the McCree office to meet with the caseworker for his face-to-face interview on December 9, 2009, as scheduled.

(12) Since claimant did not file a complete application to establish his eligibility for ongoing MA-P and FAP, claimant's cases were closed automatically by the department's computer on December 31, 2008.

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 (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 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 department's manuals require that clients cooperate with the department in establishing initial and ongoing eligibility for MA-P and FAP. This may be accomplished by providing an updated application on a yearly basis and by having a face-to-face interview with the caseworker in charge of the case at a time to be scheduled by the caseworker. PEM 500, 550 and PAM 210.

The preponderance of the evidence in the record shows that the department's caseworker correctly requested that claimant submit a new application to establish his ongoing eligibility for MA-P/FAP by December 13, 2008. The caseworker also requested that claimant meet with her in a face-to-face interview on December 9, 2008. Claimant failed to provide a completed application prior to the closure of his cases and failed to meet with his caseworker on the date scheduled in order to establish his ongoing eligibility for benefits.

A careful review of the record indicates that claimant failed to establish ongoing eligibility for MA/FAP and therefore, the decision by the local office to close claimant's cases on December 31, 2008 is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly closed claimant's MA-P/FAP case on December 31, 2008 due to claimant's failure to verify his ongoing eligibility by December 13, 2008 as requested.

Therefore, the department's action is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 20, 2009

Date Mailed: March 23, 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.

JWS/tg

cc:

