

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: 2009-27589
Issue No: 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 13, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 August 13, 2009. Claimant did not appear due to his medical condition. Claimant's mother appeared and testified on his behalf.

ISSUE

Did the department correctly terminate claimant's Medicaid (MA) and Food Assistance Program (FAP) benefits in May, 2009?

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 was an MA and FAP benefit recipient when his case came due for yearly redetermination.
2. Claimant was mailed redetermination documents but failed to return them by the due date.

3. Claimant's FAP certification expired on April 30, 2009. Department took action to terminate claimant's MA benefits on May 4, 2009, and these benefits ended on May 16, 2009. Claimant requested a hearing on June 17, 2009.

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).

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).

Departmental policy requires that department complete a redetermination on all cases. 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. A complete redetermination is required at least every 12 months for MA and FAP. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is entered. BAM 210.

In claimant's case, department claims that no redetermination information was returned. Claimant's mother states that such information was indeed brought in by her daughter prior to MA and FAP closure. However, further hearing testimony indicates that claimant's daughter may have dropped off this information at another Genesee County district office, as there are three in Flint. Claimant's current MA and FAP application is at another district office also according to mother's hearing testimony. Claimant's caseworker states that she never received the redetermination materials either from the claimant's representatives or from another district office. Therefore, a conclusion that the department indeed received redetermination materials in a timely manner cannot be reached. It is unknown where or when claimant's daughter may have submitted such materials, despite the fact that caseworker's name, telephone number and address would have been stated on the materials.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's MA and FAP benefits in May, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 19, 2009

Date Mailed: August 20, 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 mailing 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.

IR [REDACTED]

cc: [REDACTED]