

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.: 2009-28053

Issue No.: 2006, 3008

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

August 10, 2009

Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 conducted from Detroit, Michigan on August 10, 2009. The Claimant appeared and testified. [REDACTED], AP Supervisor, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the claimant's Medical Assistance (MA) and Food Assistance (FAP) benefits?

FINDINGS OF FACT

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

1. Claimant was a recipient of MA and FAP benefits in a household of 4.
2. On March 24, 2008 the Department issued a Verification Checklist with a due date and appointment date of April 7, 2009. (Exhibit 1)

3. Claimant called the department and left messages because she was delayed out of town with family and was not able to attend the April 7, 2009 appointment.
4. On April 22, 2009 the Department issued a Notice of Case Action indicating the MA benefits would be cancelled effective May 5, 2009.
5. On April 30, 2009 claimant's FAP benefits closed.
6. Claimant requested a hearing on May 1, 2009 to contest the closure of the MA and FAP benefits.

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, 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. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The department periodically reevaluates cases to ensure that eligibility for program benefits continues. PAM 210. Clients must cooperate with the local office in determining initial

and ongoing eligibility including completion of necessary forms. PAM 105. Under PAM 210, the department is to allow clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. PAM 130 and 210.

In the present case, claimant testified she had gathered the requested verifications to turn in at the April 7, 2009 appointment; however she was unexpectedly delayed out of town with family. Claimant testified she called the department and left a message for her worker on April 7, 2009 but did not get a call back. Claimant testified she made numerous additional calls to the worker in the following days, which were not returned. Claimant further testified she eventually spoke with the worker's supervisor, but was not able to resolve the issue. Therefore claimant filed the hearing request on May 1, 2009. The department representative present at the hearing did not have any knowledge of messages, calls or contacts with claimant because she was not the worker or supervisor assigned to this case at that time.

The claimant has provided credible testimony that she was unable to attend the April 7, 2009 appointment and that she attempted to contact the department to re-schedule. Based upon the foregoing facts and relevant law, it is found that the department's MA and FAP determinations are REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the claimant's MA and FAP benefits.

Accordingly, the Department's MA and FAP eligibility determinations are REVERSED. Therefore it is ORDERED that the department reinstate claimant's FAP benefits retroactive to the closure date of April 30, 2009 and reinstate claimant's MA benefits retroactive to the closure date of May 5, 2009 in accordance with this Decision.

Colleen Lack

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/10/09

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.

CL/jlg

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