

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.: 2009-34632

Issue No.: 2006/3008

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

October 8, 2009

Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on October 8, 2009. The Claimant personally appeared and testified.

ISSUE

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

FINDINGS OF FACT

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

1. On June 1, 2009, the Department sent the Claimant a verification checklist requesting information and scheduling an interview for July 20, 2009, the claimant did not appear. (Department exhibit 1).
2. On August 13, 2009, the Department closed the claimant's FAP and MA.

3. On August 24, 2009, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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).

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 instant case the Department relies on PAM 210 and its stated need for a redetermination.

VERIFICATIONS DEADLINE

FIP, SDA, CDC, MA, AMP, and TMAP

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. If the 10th day falls on a weekend or holiday, the verification would not be due until the next work day. You must help clients who need and request assistance in obtaining verifications, and you may extend the time limit, if necessary. See "Obtaining Verification" in [PAM 130](#). Give timely notice of negative action if the time limit is **not** met.

For TMA see “**LOCAL DHS RESPONSIBILITIES**” in PEM 647 about redetermination deadlines and notices.

See “**TMA-Plus Redetermination**” in [PEM 647](#) for deadlines for TMA-Plus redeterminations.

FAP Only

Verifications must be provided by the end of the current benefit period **or** within 10 days after they are requested, whichever allows more time. You must help clients who need and request assistance in obtaining verifications, and you may extend the time limit, if necessary. See [PAM 130](#). (PAM 210 p. 10).

At the hearing the Claimant stated that she had been hospitalized during the period that the checklist was sent. The Department closed the Claimant’s MA and FAP when she failed to appear for the July 20, 2009, interview.

The Claimant did not appear on July 20, 2009, but did appear on August 24, 2009, when she filed a request for hearing.

The Department closed Claimant’s MA and FAP before the claimant appeared at the department to explain why she was absent without contacting the department on July 20, 2009.

This ALJ finds that the department was correct in closing the claimant’s FAP and MA. It had no way of knowing that the claimant was hospitalized. The claimant should reapply for benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **AFFIRMS** the Department’s closure of the claimant’s MA and FAP.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/4/09

Date Mailed: 12/4/09

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.

MJB/jlg

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