

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: 2009-37115
Issue No: 2001;2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 14, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 December 14, 2009.

ISSUE

Was the claimant's AMP and FAP case properly placed into closure when a routine communication was returned as undeliverable?

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 AMP recipient in Macomb County.
- (2) On July 30, 2009, claimant was sent a routine communication from DHS regarding an update to the Bridges computer system.
- (3) The Department testified that this notice was sent to the wrong address.

- (4) The notice was returned as undeliverable.
- (5) Claimant's AMP case was subsequently placed into closure.
- (6) On September 3, 2009, 5 days after the notice of denial was sent to the correct address, DHS received a request for hearing, stating that the claimant was still in his residence, and he had not moved.
- (7) Claimant's case inexplicably closed on the date the notice was sent out, and the Department was unable to reopen the case without a hearing decision in favor of the claimant.

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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM) and Reference Tables (RFT).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

A DHS-1171, Assistance Application must be completed when eligibility is determined. BAM 210. An application is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130.

The Administrative Law Judge will point out that he was unable to find any policy that supports a case closure action as a result of a piece of mail being returned as undeliverable. That being, said, the Department testified at hearing that the undeliverable piece of mail was the result of an incorrect mailing address, and stated that the Department was at fault. The Department further testified that claimant's case should never have been placed into closure. Unfortunately, for an unknown reason, claimant's AMP case closed on the date notice was sent, and the closure was unable to be reversed absent a court order. The Department, at hearing, requested the Administrative Law Judge to provide such an order.

The Administrative Law Judge will happily oblige, and commends the Department for both recognizing that mistakes were made, and taking affirmative actions to correct the mistake. The Department representative in the current case is to be commended for her honesty.

As to the case at hand, the undersigned, in light of the underlying testimony, holds that claimant's case was closed in error, and the Department action should be reversed. Claimant's case should be reinstated retroactive to the date of case closure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to place claimant's FAP and AMP case into closure was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reinstate claimant's AMP case retroactively to the date of case closure, August 28, 2009. If claimant's FAP case has not been reinstated and supplemented retroactively to the date of case closure, the Department is FURTHER ORDERED to reinstate claimant's FAP case to this date, and supplement claimant with all FAP benefits missed.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/22/09

Date Mailed: 12/23/09

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.

2009-37115/RJC

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.

RJC/dj

cc:

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