

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: 2009-4527
Issue No: 2006/3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 11, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 February 11, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly close claimant's Medicaid (MA) and Food Assistance Program (FAP) cases based on her purported noncooperation at review?

FINDINGS OF FACT

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

(1) In May, 2008, claimant applied for State Emergency Relief (SER) assistance with relocation expenses because she moved to [REDACTED] the previous month ([REDACTED]).

(2) When claimant moved in [REDACTED], she submitted a change form to her caseworker at that time to notify her of this updated address.

(3) Additionally, the department approved the SER application claimant filed in [REDACTED], thus making her eligible to receive [REDACTED] in relocation assistance for her new, [REDACTED] (Client Exhibit A).

(4) Three months later, on [REDACTED], the department sent a [REDACTED] [REDACTED] to claimant's old address to initiate a review of her continued eligibility for FAP and MA benefits, as required by policy (Department Exhibit #1, pg 1).

(5) Claimant never received this checklist because it was sent to the wrong address; consequently, she did not timely respond.

(6) The local office then sent to claimant's old address a notice of case closure based on her purported failure to cooperate.

(7) When claimant failed to receive her MA and FAP benefits, she did not know why.

(8) When claimant inquired, her former caseworker told her she could request a hearing if she wanted to.

(9) Claimant's hearing was held on [REDACTED].

(10) By that time, claimant's case had been reassigned to a new caseworker who had no knowledge of or personal involvement in this case during the relevant period; additionally, claimant's former caseworker did not appear at the hearing.

(11) Claimant's hearing request, dated [REDACTED], states she had multiple problems with her former caseworker.

(12) At hearing, claimant testified her former caseworker frequently re-requested paperwork she already submitted; consequently, claimant has now adopted the protective/defensive posture of making photocopies of all items she submits in a timely manner.

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 only credible, material testimony and documentary evidence of record stands uncontroverted. The record shows the department knew or should have known claimant's updated address. The department was obligated to mail all correspondence to that address. Their error in failing to do so cannot be held against claimant. Noncooperation simply has not been shown. As such, claimant's FAP/MA case closures cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department improperly closed claimant's FAP and MA cases.

Accordingly, the department's action is REVERSED and this case is returned to the local office for benefit reinstatement with retroactive supplementation and immediate initiation of a mandatory case review in accordance with policy. **SO ORDERED.**

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

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.

MBM/db

cc: _____

