

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant,

Reg No: 2009-9907
Issue No: 3022, 4003, 2018
Case No: ██████████
Load No: ██████████
Hearing Date:
June 22, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was conducted in Detroit, Michigan on June 22, 2009. The Claimant appeared and testified. Ingrid Daniels, AP Supervisor, appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's State Disability Assistance ("SDA"), Medical Assistance ("MA") and Food Assistance Program ("FAP") cases on 9/27/08 for Claimant's failure to respond to a re-verification notice?

FINDINGS OF FACT

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

1. The Claimant was a FAP, MA, and SDA recipient.
2. The Department closed Claimant's case on 9/27/08 with a closure code of 091 (unable to locate client).

3. The Department produced no evidence of mailed notice of a redetermination packet.
4. The Department witness had no personal knowledge of the facts in the case.
5. The Claimant testified that he never received the re-determination packet.
6. On November 21, 2008, the Department received the Claimant's hearing request protesting the closure of the SDA, FAP and MA benefits on 9/27/08.

CONCLUSIONS OF LAW

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 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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program

Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p. 1. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130, p. 4. A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it.

In the record presented, the Claimant testified that he never received a re-determination packet. Claimant admits that he received the negative action notice and case closure, but insists that a re-determination packet never came to his house by mail. The Department has presented no evidence of a re-determination packet being mailed. Claimant did not refuse to provide information as he never received the packet.

Based on the foregoing facts and relevant law, the undersigned finds that Claimant was in compliance with Department requests as he never received a re-determination packet to complete. Accordingly, it is found that the Department improperly closed the Claimant's SDA, FAP and MA benefits on 9/27/08. The Departments actions 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 FAP, SDA and MA cases.

Accordingly it is ORDERED:

1. The Department's negative action on 9/27/08 is REVERSED.
2. The Department shall reopen the Claimant's FAP, MA and SDA cases back to the date of closure, delete the negative action of 9/27/08 and reprocess the redetermination as if Claimant had not been denied.
3. The Department shall supplement the Claimant for any lost benefits he was otherwise entitled to receive.

/s/ _____
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/26/09

Date Mailed: 07/02/09

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.

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.

JV/dj

cc:

