

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: 2010-29756
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 13, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on March 30, 2010. After due notice, a telephone hearing was held on Thursday, May 13, 2010.

ISSUE

Whether the Department of Human Services (Department) properly terminated the Claimant's Family Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) benefits?

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 received FIP, MA, and FAP benefits until April 1, 2010.
- (2) On February 9, 2010, the Department sent the Claimant a redetermination form with a due date of March 1, 2010.

(3) The Department sent the Claimant notice of a missed interview on March 1, 2010.

(4) On March 19, 2010, the Department sent the Claimant notice that her FIP, MA, and FAP benefits would be terminated on April 1, 2010.

(5) The Department received the Claimant's request for a hearing on March 30, 2010, protesting the termination of her FIP, MA, and FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2.

The Department sent the Claimant a redetermination form and requested that the Claimant return it for an interview scheduled for March 1, 2010. The notice was addressed to the Claimant at her correct mailing address. The Claimant did not return the redetermination form, and did not attend the scheduled interview. The Claimant was sent notice on March 1, 2010, that it was her responsibility to reschedule the interview before March 31, 2010, to avoid termination of her benefits. On March 30, 2010, the Claimant left a voicemail message for her caseworker requesting a hearing to protest the termination of her benefits, but did not request that the Department reschedule her redetermination interview.

The Claimant testified that she did not receive the redetermination form. The Claimant testified that she sometimes gets other people's mail in her mailbox, and that the redetermination form may have been delivered to someone else. However, the proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

However, the Claimant did not offer any evidence supporting her claim that she did not receive the redetermination form. Furthermore, the Claimant does not dispute that she received the notice of missed interview, and there is no evidence that she attempted to reschedule her redetermination interview before March 31, 2010.

Based on the testimony and documentation offered at the hearing this Administrative Law Judge finds that the Department has established that it acted in accordance with policy when it terminated Claimant's FIP, MA, and FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FIP, MA, and FAP eligibility.

The Department's FIP, MA, and FAP eligibility determination are AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 20, 2010

Date Mailed: May 21, 2010

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.

KS/vc

cc:

