

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.: 2010-29784
Issue No.: 3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 17, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on June 17, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's redetermination for Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits beginning 4/1/10.

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 ongoing FAP and AMP recipient.
2. Claimant's AMP and FAP benefits were scheduled to end on 3/31/10 unless Claimant completed the redetermination requirements for continuing benefits.

3. DHS mailed Claimant a Redetermination/DHS-1010 (Exhibit 2) on 2/9/10.
4. Claimant lost the DHS-1010.
5. In early-mid 3/2010, Claimant left multiple voicemails to DHS about replacement of the DHS-1010.
6. DHS did not respond to Claimant's voicemails.
7. Claimant submitted a hearing request on 3/31/10 regarding denial of his FAP and AMP redetermination.

CONCLUSIONS OF LAW

The Food Assistance Program (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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). AMP is a type of coverage within the MA program.

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. The redetermination process begins when clients submit a Redetermination (DHS-

1010) or other acceptable form. BAM 210 at 2. Failure to submit a DHS-1010 or required verifications will result in denial of the benefit redetermination. *Id.* Clients may reapply for benefits at any time following the termination of their benefits.

In the present case, Claimant failed to timely submit a DHS-1010. Claimant received the DHS-1010 shortly after 2/9/10 yet did not complete and submit it prior to the end of his FAP and AMP benefit period on 3/31/10.

Claimant testified that he lost the form and left messages to his specialist regarding the problem. DHS was unable to recall whether Claimant did or did not leave a phone message. The undersigned is inclined to believe Claimant's testimony. Claimant submitted a hearing request on 3/31/10. By submitting a hearing request within the benefit period, even the very last day of the benefit period, it tends to show that Claimant was proactive about recertifying his benefits. It is found that Claimant contacted DHS about remailing a DHS-1010 but DHS was unable to fulfill Claimant's request.

Local offices must assist clients who need and request help to complete applications, forms and obtain verifications. BAM 210 at 1. In the present case, Claimant testified that he lost the DHS-1010 and left multiple voicemails requesting a new one. Misplacing a DHS-1010 and requesting a new one is found to be a reasonable circumstance where DHS should have assisted Claimant.

Claimant testified that his requests for a new DHS-1010 were made in early to mid 3/2010. Though the DHS-1010 was due by 3/1/10, completing the form with the required verifications by 3/31/10 would have been sufficient to continue Claimant's benefits. Claimant called far enough in advance where it was very possible that DHS could have fulfilled Claimant's request and left Claimant with ample time to meet his redetermination requirements.

It is found that the DHS failure to remail Claimant a DHS-1010 contributed to Claimant's AMP and FAP benefits from being redetermined. Accordingly, it is found that DHS improperly denied Claimant's redetermination

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's AMP and FAP redetermination. It is ordered that DHS mail Claimant a DHS-1010 and a request for verifications needed to recertify Claimant's FAP and AMP benefits beginning 4/1/10. DHS shall make the request in accordance with its policy. Failure by Claimant to timely comply with the request shall result in denial of the redetermination.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/21/2010

Date Mailed: 6/21/2010

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.

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