

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: 2010-30628  
Issue No: 2006; 3008  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
May 6, 2010  
Isabella County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 May 6, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly terminate the claimant's Medical Assistance (MA) and Food Assistance Program (FAP) benefits for failure to return the required redetermination materials in March, 2010?

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's FAP and MA case came due for a redetermination during the month of March, 2010. (Department Exhibit 1 - 5)

2. The claimant was mailed a Redetermination form (DHS-1010) on February 9, 2010, scheduling a telephone interview for March 1, 2010 and requiring the claimant to complete the form and return it before March 1, 2010. (Department Exhibit 1 - 5)

3. The claimant did not return the Redetermination form to the department. (Department Exhibit 3)

4. The claimant was mailed a Notice of Missed Interview (DHS-254) on March 1, 2010, indicating that she needed to call the department to reschedule her missed interview prior to March 31, 2010. (Department Exhibit 4)

5. The claimant did not do so and her FAP and MA was closed effective April 1, 2010.

6. The claimant submitted a hearing request on April 1, 2010.

#### 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 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 (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).

Department policy states:

## **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

### **Responsibility to Cooperate**

#### **All Programs**

**Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.**

### **Refusal to Cooperate Penalties**

#### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

### **Verifications**

#### **All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

### **Assisting the Client**

#### **All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

### **Obtaining Verification**

### **All Programs**

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. PAM, Item 130, p. 2.

### **Timeliness Standards**

#### **All Programs (except TMAP)**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

#### **MA Only**

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

The claimant testified that she did receive the redetermination materials for her annual review of her MA and FAP benefits. The claimant indicated that she believed she was receiving notice of a hearing for FIP benefits (which had been scheduled for February 17, 2010, although the claimant did not appear for the hearing). The claimant further testified that she didn't know she had to return the forms.

However, both the Redetermination Telephone Interview and the Redetermination form indicate that the claimant must complete the forms to review eligibility for FAP and MA

programs. The Redetermination form indicates “[i]f you do NOT return this form and all of the required proofs by the due date, your benefits may be cancelled or reduced. If you do not understand this form and need help completing it, contact your specialist before the due date.” The Redetermination Telephone Interview form indicates “[b]efore your scheduled interview date, mail/drop off your **completed redetermination form** and **all** required proofs back to your specialist....To complete the telephone interview, your specialist must have the completed redetermination form.”

Even after the claimant did not turn in the Redetermination form, she was mailed a Notice of Missed Interview on March 1, 2010. The form indicated that the claimant needed to contact her specialist to reschedule the interview prior to March 31, 2010 or her case would close. The claimant never completed and returned the Redetermination form or participated in the interview.

Department policy requires a claimant to cooperate with the local office in determining initial and ongoing eligibility, which includes completion of the necessary forms. BAM 105. Department policy also states that both FAP and MA benefits will expire at the end of the benefit period unless a redetermination is completed. BAM 210.

The claimant does not dispute that she failed to turn in the redetermination form, which was required to determine continued eligibility for FAP and MA. Department policy provides that the redetermination paperwork must be received before the interview will take place. BAM 210. Thus, when the claimant did not return the redetermination packet and the proofs required, the department was unable to conduct any interview or determine eligibility. Therefore, the department allowed the benefit period to expire in accordance with department policy.

It is noted that the claimant already had a hearing scheduled for her FIP closure on February 17, 2010. Thus, the FIP case closure was not considered in this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly allowed the claimant's FAP and MA to expire because the claimant did not return the required verifications for her redetermination.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/S/  
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Suzanne L. Keegstra  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: May 19, 2010

Date Mailed: May 25, 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 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.

SLK 

cc: 