

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201031709
Issue No.: 3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 21, 2010
Wayne County DHS (82)

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 the claimant's request for a hearing. After due notice, a telephone hearing was held on July 21, 2010. The claimant appeared and testified; [REDACTED] and [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly did not redetermine Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits due to Claimant's failure to submit redetermination documents.

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 MA recipient.
2. Claimant is a disabled individual suffering from multiple disorders including bipolar disorder.
3. Claimant was originally a DHS client assigned to report at the Inkster DHS office.

4. In late 2008, DHS changed Claimant's reporting office to the Greydale DHS office; DHS did not mail Claimant a notice informing Claimant of the change.
5. Claimant's FAP benefit period was scheduled to end 12/31/2009.
6. Claimant's MA benefit period was scheduled to end 1/31/2010.
7. On 11/16/09, DHS mailed Claimant a Notice of Telephone Interview (Exhibit 2) and Redetermination (Exhibit 3) for FAP benefit redetermination.
8. On 12/9/09, DHS mailed Claimant a Notice of Missed Interview (Exhibit 4) when Claimant failed to return the Redetermination or contact DHS for an interview.
9. On 12/31/09, DHS mailed Claimant a Notice of Case Action notifying Claimant that his FAP benefits have ended. (Exhibit 5).
10. On 1/15/10, DHS mailed Claimant a Notice of Case Action notifying Claimant that his MA benefits would close 2/1/10. (Exhibit 6).
11. Claimant requested a hearing on 2/19/10 disputing the closure of his FAP and MA benefits.

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).

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination vary based on the program scheduled for review. Failure by a client to submit any of the needed documents during the benefits period results in denial of the redetermination and case closure. *Id*.

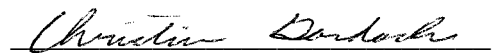
In the present case, DHS established mailing all documents necessary for redetermination of Claimant's FAP and MA benefits. Claimant conceded failing to return any of the redetermination documents. Claimant contends that he believed that the DHS requests were part of an identity theft scam. As part of Claimant's evidence, Claimant indicated that he was previously assigned to report and submit documents to the DHS Inkster office and his office subsequently changed without any notice. DHS confirmed that Claimant would not have received a written notice of an office change. Claimant's witnesses testified that Claimant has cognitive disorders that would make it likely that Claimant truly believed he was involved in an identity theft scam.

The undersigned found Claimant to be very sincere in his argument. Nevertheless, Claimant's argument was not ultimately persuasive. Claimant had several ways to investigate and confirm his belief prior to the closure of his FAP and MA benefits. Claimant could have called his previous DHS specialist to learn which office was his assigned DHS office. Claimant could have submitted the redetermination documents without information that he believed to be too personal (e.g. Social Security numbers). Claimant could have relied on trustworthy individuals to investigate the matter on his behalf. Instead Claimant chose to not act; as a consequence, Claimant's benefits appropriately lapsed. It is found that DHS properly terminated Claimant's FAP and MA benefits due to Claimant's failure to cooperate in the redetermination process.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP and MA benefits due to Claimant's failure to return required redetermination documents.

/s/


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

Date Signed: July 30, 2010

Date Mailed: July 30, 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.

CG/hw

cc:

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