

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: 2010-32707
Issue No: 2006, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 8, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 June 8, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Medicaid (MA) and Food Assistance Program (FAP) benefits 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. Claimant was an MA and FAP recipient when her case came due for review. On February 2, 2010 department mailed the claimant a redetermination packet. (Department's Hearing Summary).

2. Claimant never returned the redetermination packet. On March 19, 2010 department mailed the claimant a notice of case action telling her that her case will close on March 30, 2010 due to her failure to return the redetermination packet.

3. Claimant requested a hearing on April 22, 2010 using the Hearings page of the March 19, 2010 notice.

CONCLUSIONS OF LAW

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) and the Program Reference Manual (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

Departmental policy states that the department must periodically reevaluate cases to ensure that eligibility for program benefits continues. While some cases are assigned a 12 month redetermination period, others such as in claimant's situation are assigned a 24 month redetermination period. BAM 210.

Claimant states that she never received the redetermination packet, and that she has moved from the address on file with the department, the same address used to notify her of the hearing, in October, 2008. Claimant further states that she had reported her address change to the department in the past, but cannot remember exactly when. Department's representative cannot locate any notes in the claimant's file stating she reported a change of address. Claimant received the notice of case closure at her old address, as she used the Hearings page of the notice to request this hearing. Claimant also received the notice of hearing at her old address. Claimant cannot explain how she would keep receiving mail at an address she states she moved from almost 2 years ago. This Administrative Law Judge cannot conclude that the claimant did not receive the redetermination packet but received the notice of case closure and of the hearing, when all 3 mailings were sent to the same address. Department's case closure was therefore not in error.

Claimant was advised that she may re-apply for MA and FAP following the hearing, and department's representative will assist her in doing so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's MA and FAP benefits in March, 2010.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 15, 2010

Date Mailed: June 16, 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.

IR/tg

cc:

