

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.: 20103035
Issue No.: 1018, 2018, 3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 22, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne VanderHeide

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 three way telephone hearing was conducted from Detroit, Michigan on July 22, 2010. The Claimant appeared and testified. [REDACTED] appeared as a witness on Claimant's behalf. [REDACTED], FIM was present and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Medical Assistance Program ("MA-P"), Food Assistance Program ("FAP") and Family Independence Program ("FIP") benefits effective 4/19/10?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an active MA, FIP and FAP recipient.
2. On 3/16/10, the Department mailed Claimant a redetermination application to a prior [REDACTED] address along with a notice of telephone interview scheduled for 4/1/10. (Exhibit 1, pp. 1).
3. Claimant testified that she moved from the [REDACTED] address in June of 2009. Claimant further testified that she reported the address change to the Department when she filed for SER assistance to move to her new home.

4. Claimant and her witness testified that the redetermination packet and supporting verifications were mailed back to the Department approximately 3/26/10.
5. Claimant testified that she attempted to contact the Department by telephone several times in order to reschedule the interview but never heard back from the Department.
6. On 4/1/10, the Department sent Claimant a Notice of Missed Interview indicating that Claimant needed to reschedule before 5/31/10.
7. Claimant testified that she attempted to contact the Department several times and left messages with alternate phone numbers to reschedule her interview. Claimant testified that she never heard back from the Department.
8. The Claimant's MA benefits were closed effective 4/19/10.
9. The Claimant filed a request for a hearing on April 26, 2010.

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, formally 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 ("RFT").

Benefits will stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. If the client does not complete the redetermination process, the benefit period is allowed to expire. The redetermination process begins when the client files a DHS-1171, Assistance Application, DHS-1010, Redetermination, DHS-1171, Filing Form, or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210, p. 2. The Department is required to conduct an in-person interview at redetermination before determining ongoing eligibility. BAM 210, p. 4.

Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. This allows time to process the redetermination before the end of the redetermination month. A redetermination must be completed by the end of the current benefit period so that the client can receive uninterrupted benefits by the normal issuance date. BAM 210, p. 2 and 12. A telephone interview is not necessary as a condition of eligibility for AMP or MA benefits. BAM 210, p. 4.

In the present case, Claimant testified credibly that she turned in all the redetermination forms requested and attempted to contact the Department several times to reschedule her interview. Per the Notice of Missed Interview, the Claimant should have had until 5/31/10 to reschedule her interview. It is unclear why the Department closed Claimant's case on 4/19/10. It is also unclear why the Department continues to use Claimant's prior address when Claimant reported a new address via an SER application a year ago. Based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

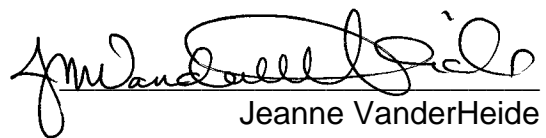
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the Claimant's MA, FAP and FIP benefits effective 4/19/10.

Accordingly it is Ordered:

1. The Department's 4/19/10 MA, FIP and FAP closures are REVERSED.
2. The Department shall reopen the Claimant's MA, FIP and FAP cases back to the date of closure, 4/19/10, delete any related negative action and supplement the Claimant for any lost benefits she was otherwise entitled to receive.
3. The Department shall update Claimant's address in the system.

/s/



Jeanne VanderHeide
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 28, 2010

Date Mailed: July 28, 2010

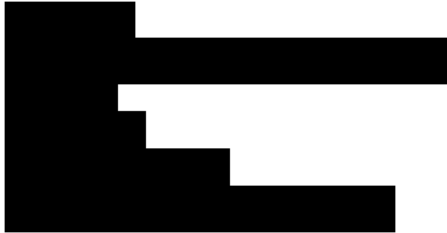
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NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration 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.

JV/hw

cc:

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