

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: 2010-3561
Issue No: 2001; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 25, 2009
Kent 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 November 25, 2009. Claimant personally appeared and testified along with his girlfriend [REDACTED]

ISSUE

Did the department correctly terminate claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits effective October 1, 2009?

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 a FAP and AMP benefit recipient when his came due for a review.
2. On August 19, 2009, department mailed the claimant a redetermination form to be completed and returned by September 9, 2009, with an appointment set for that date also.

3. Department mailed redetermination documents to [REDACTED], [REDACTED], [REDACTED]. Claimant did not return redetermination documents or attend the interview.

4. On September 9, 2009, department mailed the claimant a Notice of Missed Interview to the same address telling him that he had until September 30, 2009 to contact the caseworker, or his redetermination will be denied.

5. On September 18, 2009, department mailed the claimant a Notice of Case Action to the same address telling him that his AMP benefits will terminate effective October 1, 2009.

6. Claimant did not contact the department and his FAP and AMP benefits terminated effective October 1, 2009. Claimant requested a hearing on October 12, 2009, stating “I didn’t get any information on my Bridge card being turned off...”

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 Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are

contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Departmental policy defines redetermination as a periodic, thorough reevaluation of all eligibility factors to determine whether the group continues to be eligible for program benefits. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is entered. If the client does not submit a redetermination request (i.e. redetermination forms), the benefit period is to be allowed to expire. When the client misses a scheduled interview, a Notice of Missed Interview is to be sent. The group loses their right to uninterrupted FAP benefits if they fail to file the FAP redetermination by the timely filing date or attend the scheduled interview, or submit verifications timely, provided the requested submittal date is after the timely filing date. BAM 210.

In claimant's case the department did mail him all of the redetermination materials required by the policy in order to evaluate his continuing AMP and FAP eligibility. Claimant did not return any of these materials or contact the department prior to October, 2009, when his FAP and AMP case already closed. Claimant states that he never received any of the materials mailed to him at [REDACTED]. Claimant's caseworker testified that the claimant never reported he had moved to a new address he has at the time of the hearing and that he cited on the hearing request he signed on October 8, 2009, until he called her in October, 2009 because he could not collect his October FAP benefits with his Bridge card. Claimant was asked when he moved from the [REDACTED], and was unable to state a specific date, saying that was perhaps in November, 2008. Departmental policy requires that clients report all changes to the department within 10 days after the client is aware of them, and this requirement is written on application forms given to clients. BAM 105. Hearing testimony indicates that the claimant did not report a

change of address to the department prior to October, 2009, and he only then contacted the department due to his inability to collect October FAP benefits. Department therefore would not have any knowledge that the claimant did not receive redetermination forms, and cannot be expected to have had such knowledge.

Hearing testimony also indicates that the claimant had re-applied for FAP benefits in October, 2009 and been approved for such benefits starting in that month. AMP enrollment is not possible at this time due to lack of funding for this program. BEM 640.

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 AMP and FAP benefits effective October 1, 2009.

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: January 4, 2010

Date Mailed: February 3, 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.

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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 [REDACTED]

cc:

[REDACTED]