

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

IN THE MATTER OF:



Reg. No.: 201041892
Issue No.: 2006 3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 4, 2010
Macomb County DHS

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 August 4, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits and Medical Assistance (MA) benefits due to Claimant's failure to return a Redetermination.

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's FAP and MA benefit period were scheduled to end 1/31/10.
3. DHS mailed Claimant a Redetermination (Exhibit 2) on 12/15/09.
4. DHS also mailed Claimant a Redetermination Telephone Interview (Exhibit 1) on 12/15/09.

5. Claimant failed to return the Redetermination or any other documents to DHS.
6. Claimant failed to fulfill her benefits interview which was scheduled on 1/4/10.
7. On 1/11/10, DHS mailed Claimant a Notice of Missed Interview (Exhibit 3).
8. Claimant's FAP benefits ended on 1/31/10 due to Claimant's failure to return the Redetermination.
9. DHS initiated termination of Claimant's MA benefits on 4/19/10 with a scheduled closure date of 4/30/10.
10. Claimant's MA benefits ended on 4/30/10 as Claimant had not yet submitted the Redetermination.
11. On 6/28/10 Claimant requested a hearing concerning closure of her 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 though typically DHS mails a Redetermination (DHS-1010) for most program reviews.

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 the redetermination of Claimant's FAP and MA benefits. Claimant conceded failing to return any of the redetermination documents. Claimant's FAP benefits ended 1/31/10 due to Claimant's failure to return any of the redetermination documents. Claimant had still not returned the Redetermination by the end of 4/2010 and DHS terminated Claimant's MA benefits effective 4/30/10.

Claimant testified that she contacted DHS on several occasions beginning 1/29/10 regarding the closure of her benefits and rescheduling her interview. Claimant contends that because DHS was non-responsive to her calls, her FAP and MA benefits should be reinstated.

Claimant's contention is not persuasive. DHS terminated Claimant's FAP and MA benefits because Claimant failed to submit the DHS-1010, not for missing her interview. DHS could not have adequately interviewed Claimant without Claimant's DHS-1010 and verifications. Claimant admits that no documents were ever returned to DHS. It is found that DHS properly terminated Claimant's FAP benefits effective 1/31/10 and Claimant's MA benefits effective 4/30/10.

The appropriate remedy for Claimant would have been to reapply for FAP benefits beginning 2/1/10 and for MA benefits beginning 5/1/10. As of the hearing date, Claimant still has not reapplied for MA or FAP benefits. As discussed during the hearing, Claimant was advised to reapply for FAP and MA benefits at her earliest convenience. It was also emphasized that Claimant should seek retroactive MA benefits if she has any unpaid medical bills from the prior three months.

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 documents necessary for her redetermination of benefits.

/s/



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

201041892/CG

Date Signed: August 11, 2010

Date Mailed: August 11, 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:

