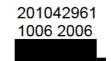STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

████████
███████████████████

Reg. No.:   201042961
Issue No.:   1006 2006
Case No.:   ███████████
Load No.:
Hearing Date: August 9, 2010
               Wayne County DHS (55)

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 9, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), ███████████, Specialist, and ████████████, Manager, appeared and testified.

ISSUE

Whether DHS properly closed Claimant's Family Independence Program (FIP) and Medical Assistance (MA) benefits due to Claimant's failure to submit 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 active recipient of FIP, MA and Food Assistance Program (FAP) benefits.

2. On 4/14/10 DHS mailed a Redetermination to Claimant for a review of Claimant's FIP and MA benefits. (Exhibit 1).

3. The due date on the Redetermination was 5/1/10 with a closure date of 5/31/10 if Claimant did not return the Redetermination.

4. Claimant failed to return the Redetermination form by 5/31/10.

5. Claimant's FIP and MA benefits closed on 5/31/10 due to Claimant's failure to return the Redetermination.

6. Claimant submitted a hearing request on 6/22/10 due to the closure of her FIP and MA benefits.

7. Claimant also requested a hearing concerning actions taken on her FAP benefits but Claimant indicated that the issues concerning her FAP benefits are resolved.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 may vary though a Redetermination (DHS-1010) is an acceptable review form for all programs. 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, Claimant's FIP and MA benefits were scheduled to end 5/31/10 unless the redetermination process was completed. DHS timely mailed Claimant a Redetermination on 4/14/10. The Redetermination was a necessary document in Claimant's redetermination process. Claimant conceded that she failed to return the Redetermination on or before the last date of her benefits period, 5/31/10.

Claimant credibly testified that she submitted medical documents concerning a deferral from participating with a required DHS employment program. However, Claimant's testimony was clear in that she did not submit the required Redetermination with the medical documents.

Claimant testified that she never received the Redetermination and that she recalled an occasion when the United States Postal Service mistakenly delivered important documents to her next door neighbor instead of her. Despite Claimant's testimony, the

undersigned is not inclined to find that the Redetermination was not delivered to Claimant.

Claimant's testimony established that her address has been stable for several months. With a stable address, Bridges, the DHS database, almost certainly properly addressed and mailed the DHS-1010 to Claimant's address.

Further, Claimant would have been on notice of the FIP and MA benefits termination after receiving a Notice of Case Action (Exhibit 2) on 5/17/10. The Notice of Case Action specifically advised Claimant that her MA and FAP benefits would close due to a failure to complete the redetermination process. Claimant could have submitted the Redetermination during her benefits period after 5/17/10 and prior to 5/31/10; Claimant, though, did not. Based on the overall evidence, it is found that Claimant did not establish good cause for failing to return the required Redetermination. Accordingly, it is also found that DHS properly terminated Claimant's FIP and MA benefits.

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 FIP and MA benefits due to Claimant's failure to return a Redetermination.

/s/ _____

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

Date Signed: August 13, 2010

Date Mailed: August 13, 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.

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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.

CG/ hw

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