

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

IN THE MATTER OF:



Reg No. 201043933
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: August 11, 2010
Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, August 11, 2010. The claimant personally appeared and testified on his own behalf.

ISSUE

Did the department properly deny the claimant's Food Assistance Program (FAP), Family Independence Agency (FIP) and Medical Assistance (MA) benefits based upon the fact that the claimant did not provide the required verifications?

FINDINGS OF FACT

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

1. The claimant was a recipient of FAP, FIP, and MA with a redetermination due October 2009. Department Exhibit 1-2.
2. On September 15, 2009, the department caseworker sent the claimant a redetermination notice for the claimant to provide the required verifications by October 1, 2009 and to participate in a telephone interview. Department Exhibit 1-2.

3. On October 1, 2009, a telephone interview was conducted at 11:00 a.m. where the claimant was required to provide proof of medical expenses, shelter, and assets. The claimant did return the forms, but did not provide the written verifications to make a continued determination.
4. On November 2, 2009, the department caseworker sent the claimant a verification checklist that was due by November 12, 2009 to provide the written verifications to determine eligibility for FAP and MA. Department Exhibit 9-14.
5. On November 4, 2009, the department caseworker sent the claimant a notice of case action that his MA benefits would be closed December 1, 2009 because the claimant failed to verify or allow the department to verify the information necessary to determine eligibility for this program. Department Exhibit 4-8.
6. On November 4, 2009, the department received a hearing request from the claimant, contesting the department's negative action.
7. On November 18, 2009, the department caseworker sent the claimant a notice that his FAP benefit case would be closed from November 1, 2009 ongoing. Department Exhibit 16.

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 (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Medical Assistance (MA) program is established by the 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the claimant was a recipient of FAP, FIP, and MA benefits with a redetermination due October 2009. The claimant was sent a redetermination form to submit the required verifications to determine eligibility by October 1, 2009 and to have a telephone interview. The claimant had his telephone interview but did not submit the required verifications to determine continued eligibility by the due date. On November 2, 2009, the department caseworker sent the claimant a verification checklist that was due November 12, 2009 to determine continued eligibility.

However, on November 4, 2009, before the due date of November 12, 2009, the department caseworker closed the claimant's Medicaid case. In addition, on November 18, 2009 the department correctly closed the claimant's FAP because it was after the November 12, 2009 eligibility date when no eligibility was received. Unfortunately only the first page of the November 18, 2009 letter was submitted and so this Administrative Law Judge can only ascertain that the FAP case was closed since the MA case looks like it was closed on November 4, 2009.

After reviewing the documents and conducting the hearing, the Administrative Law Judge rules that the claimant's MA case was closed in error because it was before the November 12, 2009 due date of the verification checklist, but the FAP case was closed correctly on November 18, 2009 because the verifications were due November 12, 2009 and the verifications were not submitted.

Therefore, the Administrative Law Judge rules that the department correctly closed the claimant's FAP case, but did not appropriately close the claimant's MA case because the case was closed before the verification checklist was due, and there was no written verifications sent about the claimant's FIP/JET case that was submitted in the hearing packet.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately denied the claimant's FAP benefits, but did not appropriately deny the claimant's FIP/JET and MA cases.

Accordingly, the department's decision is **AFFIRMED** as to the FAP decision, but **REVERSED** as to the FIP/JET and MA decision. The department is ordered to

redetermine the claimant's eligibility for FIP/JET and MA benefits to determine eligibility by sending out a verification checklist and allowing the time required to submit the written verifications.

/s/

Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: October 1, 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.

CGF / vc

cc:

