

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

IN THE MATTER OF:



Reg. No: 2010-51422
Issue No: 2006, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 28, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on September 28, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Medical Assistance (MA) case for failure to provide required documents?

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case for failure to provide required documents?

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 recipient of Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
- (2) On July 24, 2009, Claimant moved to a new address. Claimant did not report the change of address until May 17, 2010.
- (3) On May 12, 2010, Claimant was sent a Redetermination Form (DHS-1010) because her Food Assistance Program (FAP) case was due for re-determination. The form was sent to Claimant's address of record, which was

not correct because Claimant had not reported moving. The form and verifications were due by June 1, 2010.

- (4) On May 17, 2010, Claimant reported her new address to the Department.
- (5) On May 28, 2010, the Department received a Shelter Verification (DHS Form 3688) showing Claimant's current address.
- (6) On June 15, 2010, Claimant was sent a Redetermination Form (DHS-1010) because her Medical Assistance (MA) case was due for re-determination. The form and required verifications were due back July 1, 2010.
- (7) On July 19, 2010, Claimant had not returned the forms or required verifications. Claimant was sent a Notice of Case Action (DHS-1605).
- (8) On August 17, 2010, Claimant submitted a request for hearing.

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 (DHS or department) 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 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant does not dispute that the required forms and verifications were not submitted. Claimant testified that she thinks she got the notices during the first week of August and she called her case worker but did not get a return call.

Department policy requires that eligibility for benefits be re-determined annually. Determining eligibility requires that information and verifications be submitted. Claimant did not submit any such information or verifications. The Department was unable to re-determine Claimant's eligibility and could not continue to issue her benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) cases for failure to provide required documents.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/

Gary F. Heisler
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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

GFH/alc

cc:

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