

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: 2010-654
Issue No: 1005; 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 29, 2009
Genesee 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 October 29, 2009. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly close Claimant's Family Independence Program (FIP) case for failure to provide verifications required to determine eligibility?
- (2) Did the Department of Human Services properly close Claimant's Medical Assistance (MA) case for failure to provide verifications required to determine eligibility?
- (3) Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case for failure to attend a required interview and provide verifications required to determine eligibility?

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 Family Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) benefits. Claimant's cases were due for re-determination of eligibility by the end of August 2009.
- (2) On July 17, 2009, Claimant was sent a Redetermination Form (DHS-1010) which notified her of the requirement to submit the information and verifications in order to keep her benefit cases open. The form scheduled an interview for August 3, 2009.
- (3) On August 3, 2009, Claimant did not attend the scheduled interview. Claimant requested the interview be re-scheduled. Several phone messages were exchanged and the interview was re-scheduled for August 18, 2009.
- (4) On August 18, 2009, Claimant did not attend the interview.
- (5) On August 31, 2009, the Department had not received the required verifications. Claimant's Family Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) cases closed automatically because her eligibility could not be re-determined.
- (6) On September 18, 2009, Claimant submitted a request for hearing.

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 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 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).

In this case it is undisputed that Claimant did not attend a required interview or submit the required verifications before her benefit period expired. Claimant asserts she called to re-schedule for a third time but got no return call.

Claimant had full and adequate notice that she had to attend the interview and submit the required verifications by August 31, 2009 or her re-determination would be denied. The issue here is not the convenience of Claimant. The issue is compliance with the legal requirements for receipt of benefits. Claimant failed to meet the legal requirements to continue receiving benefits. No evidence in the record shows that anyone other than Claimant is responsible for her failure to meet those requirements.

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 Family Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) cases for failure to attend a required interview and provide verifications required to determine eligibility.

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: November 3, 2009

Date Mailed: November 6, 2009

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 

cc:

