

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: 2010-6758
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 27, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on January 27, 2010.

ISSUE

Was good cause for noncompliance with eligibility redetermination interview established?

FINDINGS OF FACT

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

- (1) Negative case action: FAP termination on September 10, 2009 based on issue above per PAM 105/115.
- (2) On September 10, 2009, at 2:30 p.m., the DHS scheduled the claimant for a redetermination eligibility review.

(3) On September 9, 2009, the claimant phoned her caseworker at 11:34 a.m. and left a voice message that she had a doctor's appointment at 2:30 p.m. on September 10, 2009 and requested direction.

(4) On September 15, 2009, the claimant phoned her caseworker at 7:58 a.m. and 8 a.m. and left voice messages with no return call.

CONCLUSIONS OF LAW

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).

Facts above are in dispute.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

The caseworker testified that she did not receive a voice message from the claimant on September 9, 2009, but agrees that the claimant did make a phone call to her phone number on the 9th.

Good cause-----A circumstance which is considered a valid reason for not complying with requirements. PRG Glossary, page 15.

Why the claimant's voice message did not get recorded on September 9, 2009 is strange. Because her message did not get recorded was beyond her control, and, therefore, good cause established for not getting a return call by the caseworker for help with her conflict with her medical appointment and her DHS appointment.

Also, the claimant testified that on September 15, 2009 at 7:58 a.m. and again at 8 a.m., she left a voice message for the caseworker without a return call.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause was established for noncompliance with an eligibility redetermination interview.

Accordingly, Medicaid termination on September 10, 2009 is REVERSED, and retroactive reinstatement of FAP within 10 work days is ORDERED.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 24, 2010

Date Mailed: February 24, 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.

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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.

WAS/tg

cc:

