

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.: 2010-12857
Issue No.: 2007/3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 24, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Redford, Michigan on Monday, May 24, 2010. The Claimant appeared, along with [REDACTED] and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] and [REDACTED] appeared by telephone on behalf of the Department.

ISSUE

1. Whether the Department properly closed the Claimant's FAP case effective November 2009?
2. Whether the Department properly terminated the Claimant's Medical Assistance ("MA") benefits effective January 1, 2010?

FINDINGS OF FACT

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

1. The Claimant was a FAP and MA recipient.
2. The Claimant changed residency but did not inform the Department of his new address.
3. The Claimant's benefit year was scheduled to close on October 31, 2009.
4. On September 15, 2009, the Department sent the Claimant a review packet to the address on record which included a Notice of Appointment scheduled for October 9, 2009.
5. The review packet was returned by the postal service as non-deliverable.
6. On October 9, 2009, the Department sent the Claimant a Notice of Missed Interview.
(Exhibit 1)
7. The Department pended the Claimant's FAP case for closure effective November 2009.
8. On November 19, 2009, the Department sent a Notice of Case Action to the Claimant regarding scheduled termination of his Medical Assistance ("MA") benefits effective January 10, 2010.
9. The Claimant received the Notice and contacted the Department regarding his new address.
10. On December 3, 2009, the Department received the Claimant's written request for hearing protesting the termination of his FAP and proposed termination of his MA benefits.

CONCLUSIONS OF LAW

In this case, the Claimant appealed the closure of his FAP benefits and the termination of his MA case. Each program will be addressed separately.

FAP closure:

The Food Assistance Program, 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”), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

The Department periodically re-evaluates cases to ensure that continued eligibility for benefits. BAM 210 For FAP purposes, a complete redetermination is required at least every 12 months. BAM 210 FAP benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is entered. BAM 210 If the client does not submit a redetermination request, the benefit period expires. BAM 210 In order to receive uninterrupted benefits, the client must file one of the following by the 15th of the redetermination month:

- DHS 1171 assistance application or filing form, or
- DHS-2063B

BAM 210 A Notice of Case Action is not sent when the certification period has expired. BAM 220

In the record presented, the Claimant’s FAP benefit year was scheduled to end on October 31, 2009. The Department, as required by policy, sent the Claimant the redetermination packet on September 15, 2009 as well as an interview date. The review packet was returned as undeliverable because the Claimant had moved. During this time, all correspondence sent to the Claimant regarding his FAP benefits were returned. Further, there was no communication from the Claimant notifying the Department that he had moved. The Claimant testified that he received the Notice of Appointment but that the scheduled appointment date had lapsed. The Claimant provided the Department his new address however the information was provided after the FAP benefits had terminated. Ultimately, the Department established it acted in accordance

with policy when it closed the Claimant's FAP case effective November 1, 2009 after it was unable to complete the redetermination.

MA termination

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, 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 BAM, BEM, and BRM.

Supplemental Security Income ("SSI") is a cash benefit for needy individuals who are aged (at least 65), blind, or disabled. BEM 150 The Social Security Administration ("SSA") determines SSI eligibility. BEM 150 To be automatically eligible for Medicaid, an SSI recipient must be a Michigan resident and cooperate with third-party resource liability requirements. BEM 150 DHS administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end. BEM 150 MA redetermination is not needed for SSI recipients. BAM 210

In this case, the Claimant notified the Department of his new address in late November or early December. In response, the Department sent the Claimant a Notice of Case Action regarding his MA benefits to his new address. This document was returned as undeliverable by the postal service. The Claimant requested a hearing on December 3rd and provided his new address and attempted to contact the Department regarding his case to no avail. The Claimant received SSI thus did not require a MA redetermination. It was unclear exactly why the Claimant's MA case terminated effective January 1, 2010. Under these facts, it is found that the termination of the MA case is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted in accordance with department policy when closing the Claimant's FAP case. It is further found that the Department's termination of the Claimant's MA case is not upheld.

Accordingly, it is ORDERED:

1. The Department's FAP closure is AFFIRMED.
2. The Department's MA termination is REVERSED.
3. The Department shall reinstate the Claimant's MA benefits back to the date of closure and supplement the Claimant for any lost benefits he was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/28/2010

Date Mailed: 5/28/2010

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.

CMM/jlg

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