

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: 2010-15479
Issue No: 2006; 3008; 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 16, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on March 16, 2010. Claimant personally appeared and testified along with her mother [REDACTED] who is also her day care provider.

ISSUE

Did the department correctly terminate claimant's Medicaid (MA), Food Assistance Program (FAP) and Child Development and Care (CDC) benefits effective February, 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. Claimant was a recipient of MA, FAP and CDC when the department mailed her a Verification Checklist, DHS-3503, on December 8, 2009, giving her until December 18, 2009 to provide certain requested verifications.

2. Claimant did not provide requested verifications by December 18, 2009. On December 21, 2009, department mailed the claimant a Notice of Case Action, DHS-1605, telling her that CDC has been denied and that her MA and FAP will close effective February, 2009.

3. Department received requested verifications on December 22, 2009 but did not delete negative action on claimant's case. Claimant requested a hearing on January 4, 2010 stating she wished to receive FAP benefits until her hearing is decided, however her benefits still terminated in February, 2010.

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).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The

program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department representative's position is that claimant was required to provide verifications by December 18, 2009, and since she did not provide them until December 22, 2009 her MA, FAP and CDC benefits had to be terminated effective February, 2010.

Departmental policy states that the department is to allow the client 10 calendar days (or other time limit specified in policy) to provide the requested verification. Verifications are considered to be timely if received by the date they are due. Department is to send a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. Timely notice is required to reduce or terminate benefits. BAM 130, p. 5. It is noted that this is the manual item cited in the department's Hearing Summary and by claimant's caseworker during the hearing. However, another part of departmental policy has been ignored in actions taken on claimant's case. Such policy states that negative actions must be deleted from Bridges in some situations. One of such situations is that the requirement (i.e. requested information received) is met before negative action effective date. Manual instructs that the caseworker enter the information the client provided to meet the requirement that caused the negative action, using the appropriate Bridges screens, and then follow additional steps to delete a negative action, as cited in this policy. BAM 220, p. 10.

As the claimant provided requested information, i.e. met the requirement prior to the negative action date, claimant's caseworker was required by policy quoted above to delete the negative action on her MA, FAP and CDC benefits, and then review her continuing eligibility based on reported information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly terminated claimant's MA, FAP and CDC benefits in February, 2010.

Accordingly, department's action is REVERSED. Department shall:

1. Review claimant's ongoing eligibility based on the information she had provided in December, 2009.
2. Reinstate claimant's MA, FAP and CDC benefits following the review if she is found eligible for such benefits.
3. Issue the claimant any and all MA, FAP and CDC benefits she is found eligible for, but did not receive, as a result of incorrect termination of her benefits.
4. Notify the claimant in writing of this determination.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 29, 2010

Date Mailed: April 6, 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.

IR/om

cc:

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