

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.: 2010-24297

Issue No.: 2001/3022

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

June 14, 1010

Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on June 14, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's Food Assistance Program (FAP) and Adult Medical Program (AMP) benefit redetermination due to Claimant's failure to submit redetermination documents and verifications.

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 FAP and AMP recipient.
2. Claimant's FAP and AMP benefit period ended 1/31/2010.
3. Claimant failed to submit a Redetermination (DHS-1010) and verifications by 1/31/10.

4. DHS terminated Claimant's FAP and AMP benefits on 1/31/2010.
5. Claimant submitted a hearing request on 2/19/10 regarding the denial of his FAP and AMP redetermination.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them. AMP is a coverage within the MA programs.

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.* DHS mails clients

a redetermination form (DHS-1010) the month prior to the end of the current benefit period. *Id* at 4. Clients must complete and submit the DHS-1010 and necessary verifications for DHS to process the redetermination. *Id* at 10. Failure to submit the documents during the benefits period results in denial of the redetermination and case closure. *Id*.

In the present case, Claimant testified he made many attempts to contact DHS about the closure of his AMP and FAP benefits. Claimant also testified that his attempts were made in 2/2010. Claimant's AMP and FAP benefits ended 1/31/10. Claimant conceded failing to submit the DHS-1010 and requested verifications to DHS by 1/31/10. It is found that DHS properly did not recertify Claimant's AMP and FAP benefits due to Claimant's failure to submit the DHS-1010 prior to the end of his benefits period.

Claimant's proper recourse would have been to reapply for FAP and AMP benefits in 2/2010. Clients may always reapply for benefits after benefits are terminated. As discussed during the hearing, a new application may not have been helpful to Claimant for AMP benefits as the program is not always open to new applicants.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's AMP and FAP benefits due to a failure by Claimant to submit a DHS-1010 prior to his benefit period end date.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/16/2010

Date Mailed: 6/16/2010

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.

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