

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2010 33747
Issue No.: 2018, 3019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 28, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 on June 28, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly close the Claimant's Food Assistance Program benefits and Medicaid (MA) benefits for returned mail?

FINDINGS OF FACT

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

1. In August 2009 the Claimant contacted the Department and provided a new address to the Change Center. This was provided on or before August 10, 2009.
2. On December 22, 2009 the Claimant's FAP and MA redetermination packet was returned to the Department as undeliverable.
3. On February 1, 2010 the Claimant's FAP and MA case closed.

4. On February 9, 2010 the Claimant contacted the Department to inquire about her case since she was aware a review should take place. The Department informed the Claimant her case had closed for failure to complete her review.
5. On February 9, 2010 the Claimant requested a hearing.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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).

The Medical Assistance (MA) program is established by the 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case the Department allowed the Claimant's case to close after the redetermination packet sent to the Claimant was returned as undeliverable. The Department testified the packet was sent to the address of record in December 2009. The Claimant testified she had contacted the worker and was told to change her address through the change center. The Claimant testified she did in fact change her address with the change center on or before August 10, 2009. The Claimant further testified she had also left a voicemail on the workers machine also indicating the new address. The worker testified she had attempted to contact the Claimant and the person who answered the phone said she had the wrong number. The Claimant disputes this since the number the Department has for the Claimant is a cell phone which she has on her at all times.

This Administrative Law Judge after considering the testimony provided finds the testimony of the Claimant to be credible. The Department did error by sending the review packet to the wrong address.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy.

Accordingly, the Department's decision is REVERSED and the Department is ORDERED to reprocess the Claimant's FAP and MA redetermination and if eligible supplement her for any loss in benefits back to February 2010.



Jonathan W. Owens
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/14/2010

Date Mailed: 07/14/2010

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 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.

JO/CJP

cc:

