

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: 2010-37010
Issue No: 2001; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 23, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 June 23, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly terminate the claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits for failure to return the required redetermination materials in 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. The claimant's FAP and AMP case came due for a redetermination during the month of February. (Department Exhibit 4)

2. The claimant was mailed a Redetermination form (DHS-1010) and a Redetermination Telephone Interview form (DHS-574) on January 12, 2010. The redetermination materials were due to the department on February 5, 2010, when the interview was scheduled. (Department Exhibit 1 – 5)

3. The claimant did not return the Redetermination form and was mailed a Notice of Missed Interview on February 5, 2010. (Department Exhibit 6)

4. The claimant did not call and reschedule the redetermination interview. The department mailed the claimant a Notice of Case Action (DHS-1605) on February 12, 2010, informing him that his AMP was closing. The claimant's FAP closed at the end of the redetermination period. (Department Exhibit 7 – 9)

5. The claimant reapplied for FAP and AMP on March 18, 2010. (Department Exhibit 10 – 25)

6. The department denied the claimant's application for AMP due to a freeze on enrollments. (Department Exhibit 26 – 29)

7. The claimant was approved to receive FAP benefits beginning on March 18, 2010, the date of the application. (Department Exhibit 30 – 34)

8. The claimant submitted a hearing request on April 13, 2010.

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 Bridges

Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states:

**CLIENT OR AUTHORIZED REPRESENTATIVE
RESPONSIBILITIES**

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

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. BAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, Item 130, p. 1.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. BAM, Item 130, p. 4.

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. BAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. BAM, Item 130, p. 4.

The claimant is required to comply with the department in providing the verification materials necessary to allow the department to determine initial or ongoing eligibility.

BAM 105. In this case, the claimant failed to return his Redetermination form and failed to participate in the redetermination interview. Department policy indicates that a complete redetermination is necessary 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 established. BAM 210. In this case, the department did not receive any redetermination materials and was unable to conduct an interview with the client, so the FAP benefit period was allowed to expire. No information was provided to allow the department to determine current benefits.

Similarly with the AMP, the claimant failed to provide any verifications of his eligibility to continue in the AMP program. Department policy indicates that failure to provide proof eligibility will result in penalties. BAM 105, 130. In this case, the department could not determine the claimant's continued eligibility for the AMP program and closed the claimant's AMP benefits.

The claimant testified that he did not receive the redetermination materials for his annual review of AMP and FAP benefits. The claimant explained that he was homeless at the time and was using his uncle's address to receive mail. He further testified that his uncle would usually call him when he had mail and he would go and get it. The claimant explained that he went over to his uncle's house sometime in February or March and found that his uncle had been placed into an assisted living facility and he was unable to retrieve any of his mail.

The claimant admits that he did not call the department to have his mailing address changed at that time or to see if he had been sent any mail. The claimant did not change his

mailing address until he submitted a new application on March 18, 2010. Thus, the department was mailing the claimant's redetermination materials to the address of record. The department had no other address to mail the materials. It is the claimant's responsibility to ensure that the department has a working, accurate address to mail materials to and to check for mailed materials on a regular basis, so as to not miss any deadlines.

The claimant did reapply for FAP and AMP benefits on March 18, 2010. The claimant was approved for FAP assistance, but was denied AMP due to a freeze on enrollments. Department policy for the AMP requires the department to determine if there is an enrollment freeze prior to determining eligibility for the program. BEM 640. The department did have a freeze on enrollments, so the claimant was not able to be approved.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's FAP and AMP benefits because the claimant did not return the required verifications for his redetermination and did not participate in the telephone interview.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/S/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 29, 2010

Date Mailed: June 29, 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.

SLK [REDACTED]

cc: [REDACTED]