

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201140579
Issue Code: 2006, 3008
Case No: [REDACTED]
Hearing Date: August 31, 2011
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before me 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 August 31, 2011. The Claimant and Department appeared by telephone and provided testimony.

ISSUE

Did the Department properly close Claimant's Family Assistance Program (FAP) and Medical Assistance (MA) benefits for failure to provide the necessary redetermination materials?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. As of March 15, 2011, the Claimant was receiving FAP and MA benefits.
2. On March 15, 2011, the Department mailed the Claimant a redetermination packet. The redetermination packet indicated a phone interview was to take place on April 6, 2011. (Department Exhibit 5).
3. The Claimant did not turn in the verification documents to the Department before April 6, 2011.
4. On April 6, 2011, the Department mailed the Claimant a missed interview letter. The letter indicated the Client was to call the Department to arrange an interview before April 30, 2011. (Department Exhibit 4).
5. On April 18, 2011, the Department mailed the Claimant a Notice of Case Action. The Notice indicated the Department was closing the Claimant's

MA and FAP benefits for failing to turn in the March 15, 2011 redetermination packet. (Department Exhibit 1-3).

6. On May 3, 2011, the Claimant requested a hearing to protest the April 18, 2011 Notice of Case Action.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. (MAC R 400.903(1)).

Clients have the right to contest a Department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. (BAM 600).

The FAP (formerly known as the Food Stamp (FS) program) was 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 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 Bridges Reference Manual (BRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

Clients must take actions within their ability to obtain verifications. (BAM 130; BEM 702). Likewise, DHS local office staff must assist clients who ask for help in completing forms. (BAM 130; BEM 702; BAM 105). Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. If the client is unable to provide the verification despite a reasonable effort, the Department must extend the time limit at least once. Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the Department may send the client a negative action notice. (BAM 130).

In the instant case, the Department requested the Claimant produce specific information in order to maintain her eligibility. The Department allowed the Claimant until April 30, 2011 to comply with their request. On April 18, 2011, the Department prematurely closed the Claimant's FAP and MA cases.

As a result, I find the Department improperly closed the Claimant's FAP and MA cases.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, the Department improperly closed Claimant's FAP and MA benefits.

Accordingly, the Department's actions are **REVERSED**.

The Department is to initiate a redetermination of the Claimant's FAP and MA eligibility beginning with April 2011 and continuing and to award any benefits unless otherwise ineligible.

/s/

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 1, 2011

Date Mailed: September 2, 2011

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.

CAA/cr

cc:

