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

IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201151735 2066, 3022 October 12, 2011 Wayne DHS (18)
ADMINISTRATIVE LAW JUDGE: Christian Ga	ardocki	
HEARING DE	CISION	
This matter is before the undersigned Administrant MCL 400.37 following Claimant's requestelephone hearing was held on October 12, 20 on behalf of Claimant included Claimant. Phuman Services (Department) included , Specialist.	st for a hearing. 11, from Detroit, Mi <u>articipants on</u> beha	After due notice, a chigan. Participants
ISSUE		
Did the Department properly \square deny Claiman for:	t's application ⊠ cl	ose Claimant's case
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		sistance (AMP)? ssistance (SDA)? ent and Care (CDC)?
FINDINGS OF	FACT	
The Administrative Law Judge, based on the evidence on the whole record, finds as material		rial, and substantial
Claimant ☐ applied for benefits ☒ received	benefits for:	
 ☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA). 	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).

	he Department aimant's case closed Claimant's case re to return a Redetermination (DHS-1010) and/or verifications.
3. On 8/19/11, t ⊠ Claimant notice of the	he Department sent Claimant's Authorized Representative (AR) denial. closure.
	Claimant filed a hearing request, protesting the he application. Claimant filed a hearing request, protesting the
	CONCLUSIONS OF LAW
	cies are contained in the Bridges Administrative Manual (BAM), the Manual (BEM), and the Reference Tables Manual (RFT).
Responsibility at 42 USC 601, et Agency) adminis	ndependence Program (FIP) was established pursuant to the Personal Mork Opportunity Reconciliation Act of 1996, Public Law 104-193, seq. The Department (formerly known as the Family Independence ters FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 0.3131. FIP replaced the Aid to Dependent Children (ADC) program 1, 1996.
program] is estimplemented by Regulations (CF Agency) admini	ssistance Program (FAP) [formerly known as the Food Stamp (FS) cablished by the Food Stamp Act of 1977, as amended, and is the federal regulations contained in Title 7 of the Code of Federal R). The Department (formerly known as the Family Independence sters FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule h Rule 400.3015.
Security Act and The Department	Assistance (MA) program is established by the Title XIX of the Social is implemented by Title 42 of the Code of Federal Regulations (CFR). to of Human Services (formerly known as the Family Independence sters the MA program pursuant to MCL 400.10, et seq., and MCL
	Medical Program (AMP) is established by 42 USC 1315, and is the Department pursuant to MCL 400.10, et seq.
for disabled per Services (former	sability Assistance (SDA) program, which provides financial assistance sons, is established by 2004 PA 344. The Department of Human by known as the Family Independence Agency) administers the SDA and to MCL 400.10, et seq., and 2000 AACS, Rule 400.3151 through

☐ The Child Development and Care (CDC) 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 provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.
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. <i>Id.</i>
The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. <i>Id</i> at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination may vary, though a Redetermination (DHS-1010) is an acceptable review form for all programs. Verifications for redetermination must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time.
In the present case, DHS terminated Claimant's FAP and MA benefits when a Redetermination was not received by the end of 8/2011. Claimant conceded that the Redetermination and corresponding verifications were not returned to DHS. Claimant testified that he did not receive the mailed Redetermination because he moved and failed to report the updated address to DHS. Though Claimant's error was reasonable and understandable, it was nonetheless Claimant's error. The proper consequence for the error was precisely what occurred, termination of the FAP and MA bnefits at the end of the certification period. It is found that DHS properly terminated Claimant's FAP and MA benefits effective 9/2011 due to Claimant's failure to return the Redetermination. As discussed during the hearing, Claimant may reapply for the FAP and MA benefits at his earliest convenience.
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department
 □ properly denied Claimant's application □ improperly denied Claimant's application □ improperly closed Claimant's case
for:
DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department \square did act properly. \square did not act properly.
Accordingly, the Department's \square AMP \square FIP \boxtimes FAP \boxtimes MA \square SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 14, 2011

Date Mailed: October 14, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
 of the original hearing decision.
- A reconsideration MAY be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

