

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-29217
Issue No: 3008; 2006

[REDACTED]

Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on March 28, 2011. After due notice, a telephone hearing was held on [REDACTED]. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly closed Claimant's Medical Assistance (MA) program and Food Assistance Program (FAP) benefits for failure to timely return the required redetermination materials?

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 receiving MA and FAP at all times pertinent to this hearing. (Department Exhibit 1).
2. Claimant's MA and FAP benefits case came due for a redetermination during the month of February 2011. A Redetermination packet (DHS-1010) was mailed to Claimant on January 13, 2011, informing Claimant of her telephone interview for February 2, 2011. (Department Exhibit 7).
3. On February 2, 2011, Claimant missed the telephone interview and a Notice of Missed Interview (DHS-254) was mailed to Claimant informing her it was now her responsibility to call the department to reschedule the

interview, or her redetermination would be denied. (Department Exhibit 7).

4. A Notice of Case Action (DHS 1605) was mailed to Claimant on August 3, 2010, notifying Claimant that her AMP and FAP benefit cases were closed because she failed to verify her income. (Department Exhibits 11-13).
5. Claimant submitted a hearing request on March 28, 2011, protesting the closure of her FAP and MA benefits. (Request for a Hearing).

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. BAM 600.

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 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 (DHS or department) administers the FAP and MA programs pursuant to MCL 400.10, *et seq.*, MCL 400.105 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 states that Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications. BAM 105.

DHS staff must assist when necessary. The local office must assist Clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to Clients who are illiterate, disabled or not fluent in English. BAM 105.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The department must tell the Client what verification is required, how to obtain it, and the due date. The Verification Checklist (DHS-3503) or

for MA redeterminations, the MA Determination Notice (DHS-1175), is mailed to the Client to request verifications. The Client must obtain the required verifications, but the department must assist if Clients need and request help. BAM 130.

The Client is allowed 10 calendar days to provide the verifications requested by the department. If the Client cannot provide the verification despite a reasonable effort, the department may extend the time limit at least once. The department sends a negative action notice to the Client 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 130.

The department's Bridges computer system generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. Bridges sends a Continuing Your Food Assistance Benefits (DHS-2063B), to FAP clients for whom FIP, SDA, MA, AMP, and/or TMAP are not active. The packet is sent to the mailing address in Bridges. The packet is sent to the physical address when there is no mailing address. The packet includes the following as determined by the type of assistance to be redetermined:

- Redetermination/review form indicated above.
- Notice of review as determined by policy.
- Interview date.
- Interview type.
- Place and time.
- Required verifications.
- Due date.
- Return envelope. BAM 210.

Interview requirements are determined by the type of assistance that is being redetermined. For the MA, AMP and TMP programs, in-person interviews are not required as a condition of eligibility. BAM 210.

In this case, Claimant failed to return her Redetermination packet. 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. MA and FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is established. BAM 210. Department policy indicates that failure to provide proof of eligibility will result in penalties. BAM 105; BAM 130. Because Claimant failed to return her redetermination packet, the department could not determine Claimant's continued eligibility for the MA and FAP programs and closed Claimant's MA and FAP benefit cases.

Based on the competent, material and substantial evidence submitted during the hearing, the Administrative Law Judge finds the department properly closed Claimant's FAP and MA programs because Claimant failed to return her redetermination packet.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed Claimant's MA and FAP benefits for failure to return the necessary redeterminations.

Accordingly, the department's actions are UPHELD.

It is SO ORDERED.

/s/ _____
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 5/19/11

Date Mailed: 5/19/11

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 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.

[REDACTED]