

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201146678
Issue No.: 3022 2006
Case No.: [REDACTED]
Hearing Date: September 1, 2011
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held on September 1, 2011 from Detroit, Michigan. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits due to Claimant's alleged failure to submit documents related to redetermination.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP and MA benefit recipient.
2. On an unspecified date, DHS mailed a Redetermination (DHS-1010) to Claimant.
3. The DHS-1010 and accompanying verification was due to DHS by 7/5/11.
4. Claimant failed to return the DHS-1010 and any necessary verifications to DHS.
5. On 7/5/11, DHS mailed Claimant a Notice of Missed Interview (DHS-254).

6. On an unspecified date, DHS initiated termination of Claimant's FAP and MA benefits effective 8/2011, due to Claimant's failure to return the DHS-1010.
7. On 7/28/11, Claimant requested a hearing to dispute the termination of FAP and MA benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 7/2011, the estimated month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

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. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* 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, it was not disputed that Claimant failed to timely return a DHS-1010 to DHS. However, Claimant made several excuses for his failure.

Claimant stated that he reported a change of address to DHS in 5/2011 and that DHS failed to update his address thereby causing the DHS-1010 to be mailed to an out-of-date address. DHS had no way to refute Claimant's testimony without the testimony of Claimant's specialist from 5/2011.

The testifying DHS specialist astutely pointed out that Claimant must have received mail sent to his old address because he requested an administrative hearing using a form that was also mailed to his previous address. Claimant clarified that the previous

address to where the DHS-1010 was mailed was his parent's address and he had the ability to receive mail there.

Claimant also stated that he made several calls to his specialist, on and after 7/5/11, the date of Claimant's FAP redetermination interview. After leaving the specialist several voicemails he was finally told by the specialist that he could not be interviewed for his redetermination until the DHS-1010 was submitted. Strangely, Claimant stated he never thought to ask the specialist how he could obtain the DHS-1010 when he did not have the form.

Looking at the evidence, there is slightly more evidence favoring Claimant than DHS. Despite mailing the DHS-1010 to an address where Claimant could have obtained mail, it was still sent to an address which Claimant did not expect to receive mail. Further, though it was strange that Claimant would not have inquired from his specialist how to obtain the needed DHS-1010, it was similarly strange that DHS would not have similarly offered the form to Claimant. It is found that DHS failed to properly mail the DHS-1010 to Claimant. Accordingly, the FAP and MA benefit termination actions should be reversed.

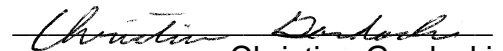
It should be noted that Claimant is not entitled to 8/2011 FAP and MA benefits yet because Claimant still has not complied with DHS redetermination requirements. However, it is found that Claimant be given an opportunity to comply with the redetermination requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FAP and MA benefits. It is ordered that DHS:

- (1) mail Claimant a DHS-1010, giving Claimant at least ten days to return the form with required verifications; and
- (2) if the DHS-1010 is timely returned, to process the DHS-1010 as timely received for a FAP and MA benefit redetermination effective 8/2011.

The actions taken by DHS are REVERSED.


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

201146678/CG

Date Signed: September 2, 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 of the rehearing decision.

CG/hw

cc:

