

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201221352
Issue No: 2007, 3008
Case No: [REDACTED]
Hearing Date: January 19, 2012
Mecosta County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on December 16, 2011. After due notice, a telephone hearing was held on Thursday, January 19, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) eligibility?

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 was an ongoing recipient of Medical Assistance (MA) benefits based on her receipt of Supplemental Security Income (SSI) benefits.
2. The Claimant stopped receiving Supplemental Security Income (SSI) benefits as of September 1, 2011.
3. The Claimant reported to the Department that she would begin receiving benefits from the Veteran's Administration (VA).
4. The Department sent the Claimant a Redetermination (DHS-1010) and a Verification of VA Payments (DHS-75) with a due date of September 7, 2011.
5. On September 7, 2011, the Department sent the Claimant a Notice of Missed Interview (DHS-254), which informed the Claimant that she had

until September 30, 2011, to turn in the missing information necessary to determine her eligibility to receive benefits.

6. On September 30, 2011, the Department notified the Claimant that it would terminate her Food Assistance Program (FAP) benefits for failure to provide information necessary to determine her eligibility to receive benefits.
7. On November 2, 2011, the Department notified the Claimant that it would terminate her Medical Assistance (MA) benefits as of December 1, 2011.
8. The Department received the Claimant's request for a hearing on December 16, 2011, protesting the closure of her Medical Assistance (MA) benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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). 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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 MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

The group loses their right to uninterrupted FAP benefits if they fail to do any of the following:

- File the FAP redetermination by the timely filing date.
- Participate in the scheduled interview.
- Submit verifications timely, provided the requested submittal date is after the timely filing date.

Any of these reasons can cause a delay in processing the redetermination. When the group is at fault for the delay, you have 30 days to complete the redetermination.

If there is no refusal to cooperate and the group complies by the 30th day, issue benefits within 30 days. Benefits are not prorated. BAM 210

The Department sent the Claimant a Redetermination (DHS-1010) and a Verification of VA Payments (DHS-75) with a due date of September 7, 2011. When the Department did not receive this information from the Claimant, it sent her a Notice of Missed Interview (DHS-254), which informed the Claimant that she had until September 30, 2011, to turn in the missing information. On September 30, 2011, the Department notified the Claimant that it would terminate her Food Assistance Program (FAP) benefits for failure to provide information necessary to determine her eligibility to receive benefits.

The Claimant was an ongoing recipient of Medical Assistance (MA) as in a category available to persons who are aged or disabled and whose net income cannot exceed the poverty level. The Claimant's eligibility for this category of Medical Assistance (MA) was based on her receipt of Supplemental Security Income (SSI) benefits. The Claimant stopped receiving Supplemental Security Income (SSI) as of September 1, 2011.

The Department established that it properly closed her Medical Assistance (MA) benefits in accordance with policy based the closure of her Supplemental Security Income (SSI) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility.

2010-/KS

The Department's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility determination is **AFFIRMED**. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 25, 2012

Date Mailed: January 25, 2012

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.

KS/tb

cc:

