

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

**IN THE MATTER OF:**



Reg. No: 201229078  
Issue No: 2006, 3008, 3052  
Case No: [REDACTED]  
Hearing Date: February 29, 2012  
Calhoun 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 January 27, 2012. After due notice, a telephone hearing was held on Wednesday, February 29, 2012.

**ISSUE**

Whether the Department of Human Services (Department) properly closed the Claimant's Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits for failure to provide information necessary to determine his eligibility to receive benefits.

**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 Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) recipient.
2. On January 24, 2012, the Department closed the Claimant's Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits for failure to provide information necessary to determine his eligibility to receive benefits.
3. The Department received the Claimant's request for a hearing on January 27, 2012, protesting the closure of his Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits.

## **CONCLUSIONS OF LAW**

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).

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 Child Development and Care 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 of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. 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 Claimant was an ongoing Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) recipient. On January 24, 2012, the Department notified the Claimant that it would terminate his Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits.

The Department's representative testified that it requested that the Claimant provide verification of his assets and income in September of 2010. The Department notified the Claimant that it would terminate his benefits for failure to provide information necessary to determine his eligibility to receive benefits. The Claimant requested an

administrative hearing protesting the closure of his benefits. Before the hearing was conducted, the Claimant withdrew his hearing request. The Department failed to reinstate the negative action, and the Claimant continued to receive benefits.

However, the Department's failure to reinstate its case closure from 2010 is not relevant to the Department's negative action of January 24, 2012, or the Claimant's request for a hearing received on January 27, 2012.

The Department's representative testified that the Claimant's case was due for Redetermination in December of 2011, and apparently the benefits case had remained active before that. The Department's representative testified that the Claimant returned the redetermination form, and the Department required verification of the Claimant's assertions of income and assets disclosed in the redetermination.

The Department's representative testified on the record that a Verification Checklist was sent to the Claimant on December 1, 2011, and was due 10 days later. The Department's representative sent the Claimant notification on January 24, 2012, that it would close his benefits for failure to provide information necessary to determine his eligibility to receive benefits.

However, the Department failed to establish by evidence that it sent the Claimant a Verification Checklist on December 1, 2011, or any other date after the December 2011 redetermination.

Although the Department may have reason to believe that the Claimant has failed to make a reasonable effort to fully provide the Department with the information necessary to accurately determine his eligibility to receive Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits, this suspicion is not justification to close his benefits. It is not relevant to this hearing whether the Department has justification to initiate a recoupment action, debt collection action, or an intentional program violation action. The Department has not presented any evidence that it has commenced any of those actions, and therefore the Claimant did not protest any of these things in his request for a hearing on January 27, 2012.

The Claimant submitted a request for a hearing on January 27, 2012, protesting the notification of case closure sent to him on January 24, 2012.

Based upon the above findings of Fact, conclusions of law, and for the reasons stated in this decision, this Administrative Law Judge finds that the Department failed to establish that it properly closed the Claimant's Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department did not act properly when it closed the Claimant's Food Assistance Program (FAP) benefits for failure to provide information necessary to determine her eligibility to receive benefits.

Accordingly, the Department's Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) eligibility determinations are REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Medical Assistance (MA) benefits as of March 1, 2012.
2. Initiate a determination of the Claimant's eligibility for Child Development and Care (CDC) benefits as of June 19, 2011.
3. Initiate a determination of the Claimant's eligibility for Food Assistance Program (FAP) benefits as of March 1, 2012.
4. Provide the Claimant with written notification of the Department's revised eligibility determination.
5. Issue the Claimant any retroactive benefits he may be eligible to receive, if any.

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

Date Signed: March 6, 2012

Date Mailed: March 6, 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.

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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

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