

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

**IN THE MATTER OF:**



Reg. No.: 201243339  
Issue No.: 3022  
Case No.: [REDACTED]  
Hearing Date: April 30, 2012  
County: Wayne DHS (15)

**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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 30, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUE**

The issue is whether DHS properly did not redetermine Claimant's Food Assistance Program (FAP), Family Independence Program (FIP) and Medical Assistance (MA) benefit eligibility due to Claimant failing to submit redetermination documents.

**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, FIP and MA benefit recipient.
2. Claimant's FAP, FIP and MA benefit eligibility were subject to redetermination prior to the end of 3/2012.
3. On 2/14/12, DHS mailed Claimant a Redetermination Telephone Interview form and Redetermination notifying Claimant to complete and return the Redetermination and other verifications to DHS by 3/6/12.
4. Claimant failed to return the Redetermination form or any other verifications.

5. On 3/19/12, DHS mailed Claimant a Notice of Case Action informing her of a FIP and MA benefit termination due to Claimant's failure to return the Redetermination.
6. Claimant's FAP benefit eligibility lapsed on 3/31/12 due to the failure to return a Redetermination.
7. On 3/19/12, Claimant requested a hearing to dispute the termination of FAP, FIP and MA benefits.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

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. *Id.* at 12. An interview is required before denying a redetermination even if it is clear from the DHS-1010/1171 or other sources that the group is ineligible. *Id.* at 3.

In the present case, it was not disputed that Claimant failed to return a Redetermination (DHS-1010) prior to 3/31/12. Claimant conceded receiving a notice informing her of a telephone interview but denied receiving a DHS-1010. Persuasive testimony was given by DHS that the telephone interview notice and the Redetermination would have been mailed together by the DHS computer system. Thus, it is unlikely that Claimant would have received a Redetermination Telephone Interview form without also being mailed a Redetermination form. DHS also checked their correspondence history and verified that there was a record of a Redetermination mailed to Claimant on 2/14/12, the same date Claimant was mailed the Redetermination Telephone Interview form. Based on the presented evidence, it is found that DHS mailed all necessary redetermination forms to Claimant.

It is troubling that Claimant requested a hearing on 3/26/12, prior to the official termination date of her FAP, FIP and MA benefit eligibility. A client that makes the effort to request a hearing prior to the end of a benefit termination is not indicative of a client that would neglect to submit redetermination documents. It also raises questions whether DHS was properly responsive to Claimant's timely concerns about her benefit eligibility ending. However, there was a lack of evidence that Claimant made additional efforts to comply with the redetermination requirements. For example, had Claimant credibly testified that she attempted to contact DHS to try and comply with her redetermination requirements, the evidence may have been sufficient to establish that DHS was at fault for the benefit closure, rather than Claimant.


Based on the presented evidence, it is found that Claimant failed to submit a Redetermination form to DHS and that DHS properly terminated Claimant's FAP, FIP and MA benefit eligibility effective 3/31/12. As discussed during the hearing, Claimant has every right to reapply for the benefits, if she has not already done so.

### **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

did act properly when terminating Claimant's FAP, FIP and MA benefit eligibility due to a failure to return redetermination documents.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.

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

Date Signed: May 9, 2012

Date Mailed: May 9, 2012

**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 **MAY** 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:

