

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

IN THE MATTER OF:



Reg. No: 201249917
Issue No: 3008, 1005, 2006
Case No: [REDACTED]
Hearing Date: June 6, 2012
Midland County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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. After due notice, a telephone hearing was held on June 6, 2012. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly close the claimant's case for Food Assistance Program (FAP), Medical Assistance (MA), and Family Independence Program (FIP) benefits for failure to complete the redetermination process?

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 a recipient of FAP, MA, and FIP benefits.
2. On March 13, 2012, the claimant was sent a redetermination form (DHS 1010) and a notice of telephone interview. The interview was scheduled for April 2, 2012 and the redetermination packet was due back to the department on April 2, 2012. (Department Exhibits 4-8).
3. The interview was not conducted and the department did not receive the redetermination paperwork.
4. On April 2, 2012, the claimant was sent a notice of missed interview, informing him to contact the department to reschedule his interview prior to April 30, 2012. (Department Exhibit 9).

5. On April 19, 2012, the department sent the claimant a notice of case action (DHS 1605) stating that his FAP, MA, and FIP benefits would be closing as of May 1, 2012, due to his failure to return the requested redetermination form. (Department Exhibits 10-13).
6. On April 30, 2012, the claimant filed a request for hearing, protesting the closure of his FAP, FIP and MA cases.

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 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) and the Bridges Reference Manual (BRM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes

completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105.

Department policy further indicates that the department must periodically re-determine a claimant's eligibility for active benefits and that a re-determination must be conducted at least once every twelve months. Benefits stop at the end of the benefit period unless a re-determination is completed and a new benefit period is certified. BAM 210.

Furthermore, for FAP re-determination cases, department policy states that an interview must be conducted with the claimant prior to the closure of benefits. BAM 120.

Department policy states as follows:

INTERVIEW REQUIREMENTS AII TOA

Interview requirements are determined by the type of assistance that is being redetermined.

FAP Only

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. Indicate on the individual interviewed/applicant-details screen in Bridges who was interviewed and how the interview was held such as by telephone, in person etc.

Telephone FAP Only

The individual interviewed may be the client, the client's spouse, any other responsible member of the group or the client's authorized representative. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 120.

SCHEDULING AII TOA

Bridges 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; see RFS 103. Bridges sends a DHS-2063B, Continuing Your Food Assistance Benefits, 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 is also sent to the MA authorized representative on file.

Redetermination/review forms may include:

- DHS-574, Redetermination Telephone Interview (FAP).

- DHS-1010, Redetermination (all TOA).
- DHS-1045, Simplified Six-Month Review (FAP).
- DHS-1046, Semi-Annual Contact Report (FAP).
- DHS-1171, Assistance Application (all TOA).
- DHS-2240-A, Mid-Certification Contact Notice (MA and FAP).
- DHS-2063-B, Continuing Your Food Assistance Benefits (FAP).
- DHS-4574, Medicaid Application for Long-Term Care.
- DCH-0373-D, MI Child and Healthy Kids Application.

The packet includes the following as determined by the TOA 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.

FAP Only

If you must manually send a DHS-1171 and the DHS-2063-B, if applicable, mail them **no later** than two workdays before the first day of the redetermination month. If you do **not** mail the forms within that time period, adjust the timely filing date, see [FAP Timely And Untimely Filing Date](#) in this item.

Clients may be, but are **not** required to be, interviewed before the timely filing date. BAM 120

In the case at hand, the claimant testified that he called on the day of his scheduled interview and requested that it be rescheduled. The claimant could not recall if he stated that he was having difficulties filling out the paperwork. The claimant testified that he did not know what to turn in for proofs and that is why he did not submit the requested paperwork. Although the claimant did call the department to reschedule his interview, there is no evidence that the claimant requested assistance with the redetermination paperwork. There is no contention that the redetermination paperwork was not returned to the department by the due date. Therefore, the Administrative Law Judge finds that the department acted properly in accordance with policy in closing the claimant's case for FAP, MA, and FIP for failure to return the redetermination paperwork.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's FAP, MA, and FIP cases.

Accordingly, the department's actions are **AFFIRMED**.

It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 26, 2012

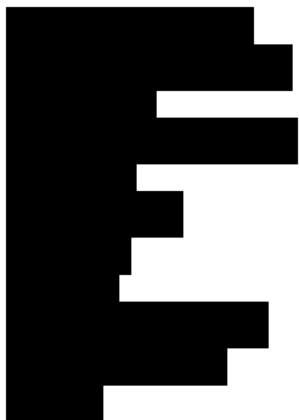
Date Mailed: June 26, 2012

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.

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