

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-8398
Issue No.: 1021; 2018; 3019
Case No.: [REDACTED]
Hearing Date: December 15, 2011
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 December 15, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Family Independence Manager.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | |

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. Claimant was was not provided with a Redetermination form (DHS-1010).

3. Claimant was required to submit the completed form and provide the requested verifications by October 5, 2011, and participate in an interview on October 5, 2011.
4. On November 1, 2011, the Department
 - denied Claimant's application
 - closed Claimant's case
 - reduced Claimant's benefitsfor failure to submit the completed redetermination form in a timely manner.
5. On October 20, 2011, the Department sent notice of the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.
6. On November 3, 2011, Claimant filed a hearing request, protesting the
 - denial. closure. reduction.

CONCLUSIONS OF LAW

Department policies are found 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 1999 AC, Rule 400.3101 through Rule 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 1999 AC, Rule 400.3001 through Rule 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, Rule 400.3151 through Rule 400.3180.

□ The Child Development and Care (CDC) 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 provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, the Department must periodically redetermine an individual's continued eligibility for benefits. BAM 220. The Department testified that it sent Claimant a redetermination form (DHS 1010) on September 14, 2011, in connection with her FIP, FAP and MA benefits that required her to (i) participate in an interview on October 5, 2011, and (ii) complete the redetermination form and provide the requested proofs by October 5, 2011.

Claimant contended that she received two envelopes from the Department on the same day, one containing a notice of her interview date and the other empty. Claimant testified that she called the Department multiple times to change the interview date because she had to appear in court on an eviction notice but no one ever responded to her calls. She testified that she also called the Department in Lansing to try to determine what was supposed to be in the empty envelope. She admitted that she subsequently received the Notice of Missed Interview. She denied ever receiving any form that she needed to complete and deliver to the Department.

The standard DHS-1010 consists of several pages, with the first page scheduling any required interview and the second, third, and fourth pages consisting of a form that the client must complete, providing the requested information, and sign. RFF 1010. The Department credibly testified that the entire form is sent to the client from central printing in a single mailing. Because Claimant did admit receiving notice of her interview, separate from the notice of missed interview she subsequently received, it follows that she received all four pages of the Redetermination form, DHS-1010.

Furthermore, even if Claimant only received the first page of the DHS-1010, she should have been aware that, in addition to an interview, additional information was requested from her. The first page of DHS-1010 lists the appointment date and appointment time. Following this information on the standard form are six bulleted points, with the second, third and fourth bullets stating as follows:

- **What Steps Should You Take?** You must complete, sign, and date this form, and return it with all proofs by bringing it with you to your appointment, returning by mail or bringing it to DHS by the due date listed above. Please make sure your name is on all proofs. Healthy Kids Medicaid DOES NOT require proofs.
- **What Happens If You Do Not Return the Completed Form and Required Proofs by the Due Date?** If you do NOT return this form and all of the required proofs by the due date, your benefits may be cancelled or reduced. If you do not understand this form and need help completing it, contact your specialist before the due date.

- Complete this form to verify the accuracy of our records and report changes for active programs. Cross out incorrect information and write the correct information in the space provided. If you need additional space, use Client Comments Section on page 4.

Read together, the bulleted items clearly indicate that there was additional material included with the interview notice that needed to be completed, signed, and sent back to the Department by the due date and that failure to do so could result in a loss of benefits. Because Claimant testified that she received notice of the interview separate from the subsequent notice of missed interview, she should have been aware that there was additional material that she needed to complete and submit to the Department. Thus, the Department acted in accordance with Department policy when it closed her FIP, FAP and MA cases for failure to timely return the completed redetermination

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly improperly

- closed Claimant's case.
- denied Claimant's application.
- reduced Claimant's benefits.

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. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated above and on the record.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 20, 2011

Date Mailed: December 20, 2011

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 receipt 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

ACE/cl

cc:

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Elkin