

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

IN THE MATTER OF:



Reg. No: 201267529
Issue No: 2006, 1005, 3008
Case No: [REDACTED]
Hearing Date: September 4, 2012
Genesee 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 September 4, 2012. The claimant personally appeared and provided testimony.

ISSUES

Did the department properly close the claimant's Medical Assistance (MA), Food Assistance Program (FAP), and Family Independence Program (FIP) cases 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, FIP, and MA benefits.
2. On May 15, 2012, the claimant was sent a redetermination packet with a due date of June 7, 2012. (Department Exhibit 7).
3. The claimant was also scheduled for a redetermination on June 7, 2012 at 2:00 PM. (Department Exhibit 7).
4. The interview was not completed as scheduled on June 7, 2012 and as such, the claimant was sent a notice of missed interview On June 7, 2012, stating that the claimant was responsible for rescheduling the interview by June 30, 2012.
5. The interview was not scheduled nor held.

6. Because the interview was not held, the department sent the claimant a notice of case action (DHS 1605) on July 10, 2012, stating that his FIP, FAP, and MA benefits would be closed due to a failure to complete the redetermination process. (Department Exhibit 2).
7. On July 23, 2012, the claimant filed a request for hearing protesting the closure of his FAP, FIP, and MA benefits.

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 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) and the Program Reference Manual (PRM).

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 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).

Department policy states Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients

who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5. Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

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 type of assistance 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. BAM, Item 210, pages 4-5.

Interview requirements are determined by the type of assistance that is being redetermined. BAM, Item 210, pages 3-4. For MA, Adult Medical Program (AMP), and TMP, an in-person interview is not required as a condition of eligibility. BAM, Item 210, p. 4.

An individual who is receiving any type of assistance through the department must have their eligibility for such assistance periodically redetermined. BAM 210. The redetermination process consists of a thorough review of all the eligibility factors and must be completed at least every twelve months. BAM 210.

In the case at hand, the department representative testified that the interview did not take place on the day in question because the claimant did not supply a phone number on the electronic redetermination form. However, the department representative also testified that there is no place on the electronic redetermination to put a phone number. The claimant testified that he thought that the department already had his number as he has had the same phone number for a long period of time. Additionally, the claimant testified that he called the department several times on the day the interview was scheduled to be held. The claimant submitted a copy of his phone log (see Claimant Exhibit A) showing that he contacted the department several times on June 7, 2012. Additionally, the claimant testified that he contacted the department prior to June 30, 2012 to reschedule the interview. The phone logs submitted by the claimant corroborate this statement. As such, the Administrative Law Judge finds that the claimant made a reasonable attempt not only to contact the department on the day of the interview, but to attempt to reschedule the interview. Accordingly, the Administrative Law Judge finds that the department improperly closed the claimant's cases for MA, FAP, and FIP for failure to cooperate with the redetermination process.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed the claimant's MA, FAP, and FIP cases for failure to cooperate by not completing the redetermination process.

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

It is HEREBY ORDERED that the department shall initiate a redetermination of the claimant's eligibility for FAP, FIP, and MA benefits as of the dates on negative action (August 1, 2012 for MA and FIP and the date of review and closure for FAP). The department shall allow the claimant an opportunity to submit any additionally required information and to complete an interview. If the claimant is found to be otherwise eligible, the department shall reinstate benefits in accordance with policy and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/_____

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

Date Signed: October 2, 2012

Date Mailed: October 3, 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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