

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-23059
Issue No.: 2006, 3008
Case No.: [REDACTED]
Hearing Date: April 3, 2013
County: Gratiot County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 3, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

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 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. As of approximately October 16, 2012, the Claimant was living at [REDACTED] and receiving FAP and MA (TMA) benefits.
2. On approximately October 16, 2012, the Claimant moved to [REDACTED].
3. On October 16, 2012, the Department sent the Claimant a FAP redetermination packet. The packet was due November 1, 2012.

4. As of November 1, 2012, the Claimant had not returned the FAP redetermination packet.
5. On November 1, 2012, the Department sent the Claimant a notice of missed interview. The interview indicated the Claimant's FAP benefits were to close November 30, 2012 if he did not return the FAP redetermination packet.
6. On November 19, 2012, the Claimant called the Department and indicated his address had changed to [REDACTED].
7. As of November 30, 2012, the redetermination packet was not returned to the Department.
8. On November 30, 2012, the Claimant's FAP benefits closed because of the Claimant's failure to return the FAP redetermination packet.
9. On December 4, 2012, the Claimant returned a TMA redetermination packet.
10. On December 28, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's MA (TMA) case was closing because the Claimant met the 12 month program limit. The notice also indicated the Claimant was not eligible for MA benefits under any other MA type as the Claimant was not under 21, pregnant, caretaker of a minor child over the age of 65, blind or disabled.
11. On January 8, 2013, the Claimant requested a hearing.

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 FAP [formerly known as the Food Stamp (F S) 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, R 400.3001 through Rule 400.3015.

The 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.

The Department of Human Services must periodically redetermine an individual's eligibility. The redetermination process includes thorough review of all eligibility factors.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. Clients must completely and truthfully answer all questions on forms and in interviews.

Testimony and other evidence must be weighed and considered according to its reasonableness.¹ Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine.² In evaluating the credibility and weight to be given to the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter.³

I have carefully considered and weighed the testimony and other evidence in the record and find the Department's testimony, to be slightly more credible as the Department witnesses had a clearer recollection of the dates, times and events in question. For this reason, I find the Department properly notified the Claimant of the redetermination process and properly informed the Claimant as to what he needed to do in order to continue receiving benefits. I further find the Claimant did not timely notify the Department of his move resulting in his redetermination paperwork possibly being sent to the wrong address. I use the word possibly because the Claimant indicated he could have still been living at [REDACTED] as of October 16, 2012 when the first redetermination was mailed. The Claimant has the burden of notifying the Department of all changes within 10 days. This was not done in this case.

In regards to the MA (TMA) closure, I again find the Department's actions to be proper. At the time of the MA redetermination, the Claimant had exhausted his eligibility for the TMA program. (BEM 111). And the Claimant did not meet any of the other criteria for the other MA categories. It wasn't until after the MA decision did the Claimant indicate he was disabled. In fact, on the MA redetermination form itself, not once did the Claimant indicate he was disabled.

Therefore, based on material, competent and substantial evidence, I find the Department properly closed the claimant's FAP and MA cases as the Claimant failed to return the requested redetermination paperwork (FAP) and did not meet any other categorical listings for MA.

DECISION AND ORDER

I find based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did act properly.

¹ *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007).

² *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

³ *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

Accordingly, the Department's decision is **AFFIRMED**.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 4, 2013

Date Mailed: April 4, 2013

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

2013-23059/CAA

CAA/las

cc:

