

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201329746
Issue No.: 3022, 6043, 2018
Case No.: [REDACTED]
Hearing Date: March 14, 2013
County: Wayne (#17)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted from Detroit, Michigan on Thursday March 14, 2013. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (FIM).

ISSUE

Whether the Department properly closed Claimant's Food Assistance Program (FAP), Medical Assistance (MA) and Child Development Care (CDC) benefits effective February 1, 2013 due to failure to complete the redetermination process?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing FAP, MA and CDC recipient.
2. On December 11, 2012, the Department sent a redetermination packet to the Claimant along with a notice of telephone interview due on January 2, 2013. (Exhibit 1)
3. The Claimant failed to participate in the telephone interview or submit the requested information resulting in a Notice of Missed Interview being sent to the Claimant. (Exhibit 3)

4. On January 29, 2013, the Claimant came into the office and completed the Application. On January 30, 2013 she submitted one paystub. (Exhibit 2 & 4)
5. The Department did not receive all required verification from Claimant prior to January 31, 2013.
6. On February 1, 2013, the Claimant's FAP, MA and CDC benefits terminated, based on the failure to complete the redetermination process.
7. On February 11, 2013, the Department received the Claimant's written hearing request protesting the termination of FAP, MA and CDC benefits.

CONCLUSIONS OF LAW

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

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.

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 Mich Admin Code, R 400.5001 through R 400.5015.

The Department periodically re-evaluates cases to ensure that eligibility for program benefits continues. A redetermination is a periodic review. The Department sends an application form and a verification checklist requesting that required verifications be returned by a specified date. The Department is to allow a reasonable amount of time

for a client to complete the application and gather the required verifications before the end of the redetermination month. Clients must cooperate in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (September 2012), p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (May 2012), p. 1. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification(s). BAM 130 For FAP and MA purposes, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (November 2012). FAP clients have until the last day of the redetermination month or 10 days, whichever is later, to provide verification; see BAM 210. A FAP group loses the right to uninterrupted benefits if it fails to participate in the scheduled interview, submit the required verifications, or complete the application by the 15th of the redetermination month. BAM 210, p. 14.

In this case, the Department sent the redetermination packet to the Claimant on December 11, 2012, with a due date of January 2, 2013. The packet was not returned as undeliverable by the US Postmaster. Claimant failed to submit timely verifications or participate in the scheduled interview. She came into the local office on January 29, 2013 and completed forms. She was told to provide verification of all income for the past 30 days by January 31, 2013, to prevent case closure. On January 30, 2013, Claimant submitted one generic paystub dated January 25, 2013 showing a pay amount of \$240.00 and a year to date of \$1200.00. The paystub did not contain an accurate rate of pay, hours worked or the pay period covered. The Department was unable to determine Claimant's monthly income from the document submitted. Claimant testified that the employer was a new start-up company and could only provide her with one paystub. She worked for the employer since December 30, 2012, but worked for another employer immediately prior to the current employment. All countable earned and unearned income available must be considered in determining the Claimant's continuing eligibility for program benefits. BEM 500 (January 2013), p. 1. The proof of monthly income is necessary to determine program eligibility. The Department afforded Claimant ample time to provide the necessary documentation before the end of her benefit period. In FAP cases, the Department is not required to provide an extension for receipt of verifications at the end of a benefit period. Therefore, the Claimant's benefits terminated in accordance with policy.

Accordingly, the Department established it acted in accordance with policy when it terminated Claimant's FAP, MA and CDC 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 acted in accordance with policy when it terminated Claimant's FAP, MA and CDC benefits effective February 1, 2013 for failure to complete the redetermination process.

Accordingly, the Department's FAP MA CDC decision is hereby, **AFFIRMED**.

M. Howie

MICHELLE HOWIE
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/22/2013

Date Mailed: 3/22/2013

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 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

MH/hw

cc:

