

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

IN THE MATTER OF:



Reg. No.: 201334262
Issue No.: 3022, 6043, 2018
Case No.: [REDACTED]
Hearing Date: April 8, 2013
County: Wayne County (#15)

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 Monday, April 8, 2013. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Specialist).

ISSUE

Whether the Department properly closed the Claimant's Food Assistance (FAP), Child Development Care (CDC) and Medical Assistance-Low Income Family (MA-LIF) programs?

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, CDC and MA-LIF recipient.
2. On January 15, 2013, the Department sent the redetermination packet to the Claimant with a due date of February 1, 2012. (Exhibit 1)
3. The Claimant failed to submit the requested redetermination information by the due date, and as a result the Department worker did not call the Claimant for the scheduled telephone interview.

4. The Department did not receive the Claimant's information prior to February 28, 2013.
5. On March 1, 2013, the Claimant's FAP, MA and CDC benefits terminated based on failure to complete the redetermination process.
6. On March 6, 2013, the Department received the Claimant's written hearing request protesting the closure of her FAP, MA and CDC benefits.

CONCLUSIONS OF LAW

The Department 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 January 15, 2013, with a due date of February 1, 2013. The Claimant received the information but failed to submit the packet by the due date. As a result, the Department did not conduct the scheduled telephone interview. Claimant testified that nothing was checked on the verification checklist as to what proofs were needed. She attempted to contact the worker after not receiving a telephone interview on February 1, 2013. Claimant went into the local office on March 6, 2013 and reapplied for benefits after her benefits were terminated. The redetermination packet put the Claimant on notice that to complete the telephone interview the worker must have the completed redetermination form, in addition failure to return the completed redetermination form and required proofs may result in benefits being reduced or cancelled. Claimant did not return the completed redetermination packet prior to February 28, 2013 as required. Therefore, the benefits terminated at the end of the benefit period in accordance with policy.

Accordingly, the Department's action is upheld.

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 when it terminated Claimant's FAP, MA and CDC benefits for failure to complete the redetermination process.

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

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/25/2013

Date Mailed: 4/25/2013

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:

