

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

**IN THE MATTER OF:**



Reg. No.: 201344625  
Issue No.: 1000; 2006; 3008  
Case No.: [REDACTED]  
Hearing Date: May 30, 2013  
County: Wayne (35)

**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 May 30, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

**ISSUE**

Did the Department properly close Claimant's Medical Assistance (MA), Food Assistance Program (FAP), and Family Independence Program (FIP) cases?

**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 was an ongoing recipient of FIP, MA and FAP.
2. On December 29, 2012, the Department sent Claimant a Notice of Case Action closing her FIP case for three months, from February 1, 2013 to April 30, 2013, based on her failure to comply with employment-related activities.
3. On March 12, 2013, the Department sent Claimant a redetermination form (DHS-1010) to determine her ongoing eligibility for MA and FAP benefits.
4. Claimant did not submit a completed redetermination to the Department.

5. Claimant's FAP case closed on March 30, 2013, when the certification period expired without a redetermination being completed.
6. On April 19, 2013, the Department sent Claimant a Notice of Case Action closing her MA case on May 1, 2013, for failure to return a completed redetermination form.
7. On April 26, 2013, Claimant filed a hearing request, protesting the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM) and the Department of Human Services 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 Mich Admin Code, R 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 Mich Admin Code Rules 400.3001 through 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.

In her April 26, 2013 request for hearing, Claimant referenced the fact that her FIP, FAP and MA cases were closed, or scheduled to be closed.

#### **Dismissal of FIP Hearing Request**

At the hearing, the Department established that it sent Claimant a Notice of Case Action on December 29, 2012, notifying her that her FIP case would close on February 1, 2013 for a three-month minimum period of time because she had failed to comply with employment activities and did not have good cause for her noncompliance. A client must request a hearing within 90 calendar days from the date of the written notice of case action. BAM 600 (February 2013), p 4. Claimant's request for hearing concerning

the FIP case closure was filed on April 26, 2013, more than 90 days after the date of the notice of case action informing her of the FIP case closure. Therefore, Claimant's hearing request concerning the Department's actions to her FIP case is dismissed as untimely.

Closure of MA and FAP Cases

Although Claimant believed that her MA and FAP cases had been closed because of a child support sanction and the Department testified that there was a child support noncompliance on its system, the Department established at the hearing that Claimant's MA and FAP cases closed because she had failed to submit a completed redetermination. A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210 (November 1, 2012), p 1. A FAP client must also complete a phone interview. BAM 210, p 3. FAP and MA benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p 2.

In this case, Claimant acknowledged that she received the redetermination sent to her on March 12, 2013, and did not complete the form. Because Claimant did not submit a completed redetermination, the Department acted in accordance with Department policy when it closed Claimant's FAP and MA cases for failure to submit a completed redetermination.

**DECISION AND ORDER**

The Administrative Law Judge (i) dismisses Claimant's FIP hearing request as untimely and (ii) 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 Department policy when it closed Claimant's FAP and MA cases.

Accordingly, the Department's FAP and MA decision is AFFIRMED.

Claimant's hearing request concerning the Department's FIP decision is DISMISSED for lack of jurisdiction. ■

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

Date Signed: 6/7/2013

Date Mailed: 6/7/2013

**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

ACE/hw

cc:

