

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 2013-49253
Issue No.: 3008;2006
Case No.: ██████████
Hearing Date: June 24, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 June 24, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████, Family Independence Specialist.

ISSUE

Did the Department act in accordance with Department policy when it closed Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) cases?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FAP and MA benefits.
2. On January 8, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by January 18, 2013. (Exhibit 7)
3. On March 12, 2013, the Department sent Claimant a redetermination that was to be completed and returned on or before April 2, 2013. (Exhibit 1)

4. On April 2, 2013, the Department sent Claimant a Notice of Missed Interview instructing her to contact the Department by April 30, 2013 to reschedule the interview. (Exhibit 2).
5. On April 3, 2013 the Department sent Claimant a Notice of Case Action informing her that her MA case would be closing effective May 1, 2013 for failure to verify requested information. (Exhibit 3)
6. On May 17, 2013 the Department sent Claimant a Notice of Case Action informing her that her daughter's MA case would be closing effective June 1, 2013 for failure to return a completed redetermination. (Exhibit 4)
7. On May 21, 2013, the Department sent Claimant a VCL for which Claimant was required to submit requested verifications by May 31, 2013. (Exhibit 5)
8. On May 21, 2013 the Department sent Claimant a Notice of Case Action informing her that she was approved for MA the period of May 1, 2013 through May 31, 2013 but that MA for herself and her daughter would be closing effective June 1, 2013. (Exhibit 6).
9. Claimant's FAP case closed effective May 1, 2013.
10. On May 22, 2013, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief Manual (ERM).

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.

Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (November 2012), p 1. 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, p. 1. A FAP client must also complete a phone interview. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, p 3. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. BAM 210, p 9. FAP 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. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.9.

The Department allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information for MA redeterminations. BAM 210, p.11. For MA cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. Timely notice of the negative action is given if the time limit is not met. BAM 210, p.11.

Additional verifications may be required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5.

In this case, on March 12, 2013, the Department sent Claimant a redetermination for her MA and FAP cases that was to be completed and returned on or before April 2, 2013. (Exhibit 1). On April 2, 2013, the Department sent Claimant a Notice of Missed Interview instructing her to contact the Department by April 30, 2013 to reschedule the interview. (Exhibit 2). Claimant's FAP case automatically closed on May 1, 2013 because a new benefit period was not certified, as Claimant did not return the completed redetermination. BAM 210, p.9. On May 17, 2013, the Department sent Claimant a Notice of Case Action informing her that the Department intended to close her daughter's MA case effective June 1, 2013, based on a failure to return a completed redetermination. (Exhibit 4).

At the hearing, Claimant testified that she did not receive the redetermination and the Notice of Missed Interview, which is why she did not respond. Claimant credibly stated that she has trouble receiving mail and has informed the Department and Post Office of this issue. The Department acknowledged that it was aware of the problems with Claimant's mail and testified that both the redetermination and the notice of missed interview were returned to the Department as undeliverable. Because Claimant did not receive the redetermination or the Notice of Missed Interview, she could not have timely

completed it before her FAP case automatically closed and before her daughter's MA case closed. Therefore, the Department did not act in accordance with Department policy when it closed Claimant's FAP case and closed her daughter's MA case effective June 1, 2013 for failure to complete a redetermination.

In addition to the redetermination, the Department testified that in January 2013, Claimant reported a loss of employment, for which the Department sent her a VCL seeking proof of loss of employment and last 30 days of pay stubs. This information was to be returned to the Department by January 18, 2013. (Exhibit 7). BAM 130, pp. 2-3. Claimant testified that she submitted the requested information to the Department; however, the Department determined that the information was insufficient and sent Claimant a Notice of Case Action on April 3, 2013 informing her that her MA case would be closing effective May 1, 2013 due to a failure to verify requested information. (Exhibit 3). BAM 130, p. 5.

On May 21, 2013, the Department sent Claimant a second VCL for which Claimant was required to submit verification of loss of employment and 30 days of pay stubs by May 31, 2013. (Exhibit 5). That same day, the Department sent Claimant a Notice of Case Action informing her that she was approved for MA the period of May 1, 2013 through May 31, 2013. The May 21, 2013 Notice also informed Claimant that MA for herself and her daughter would be closing effective June 1, 2013 because they were no longer eligible. (Exhibit 6). Claimant credibly testified that she did not receive the VCL until June 1, 2013, after the due date and could not timely respond. As discussed above, the Department was aware of the problems Claimant was having with her mail. Further, the Department presented several different Notices of Case Action regarding Claimant's MA case and it remained unclear throughout the hearing what the exact reasons were for Claimant's MA case closure. Therefore, the Department did not act in accordance with Department policy when it closed Claimant's MA case. As such, the Department's FAP and MA decisions are REVERSED.

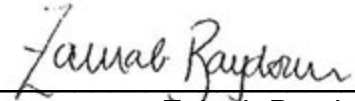
DECISION AND ORDER

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 not act in accordance with Department policy when it closed Claimant's benefits for MA and FAP. Accordingly, the Department's decisions MA and FAP decisions are REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reinstatement of Claimant's and Claimant's daughter's MA cases effective June 1, 2013 in accordance with Department policy and consistent with this Hearing Decision;

2. Initiate reinstatement of Claimant's FAP case effective May 1, 2013 in accordance with Department policy and consistent with this Hearing Decision;
3. Begin reprocessing Claimant's FAP and MA redeterminations;
4. Begin issuing supplements to Claimant for any MA coverage that she and her daughter were entitled to receive but did not from June 1, 2013, ongoing in accordance with Department policy;
5. Begin issuing supplements to Claimant for any FAP benefits that she was entitled to receive but did not from May 1, 2013; and
6. Notify Claimant of all decisions in writing in accordance with Department policy;



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2013

Date Mailed: July 3, 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.

ZB/cl

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