

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201337448
Issue No.: 1000, 2000, 3008
Case No.: [REDACTED]
Hearing Date: April 24, 2013
County: Wayne DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 24, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] appeared as Claimant's translator. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUES

The first issue is whether Claimant timely requested a hearing concerning Food Assistance Program (FAP) termination.

The second issue is whether DHS properly terminated Claimant's Medical Assistance (MA) benefit eligibility.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP and MA benefit recipient.
2. Around 4/2012, DHS terminated Claimant's FAP benefit eligibility.
3. Around 12/2012, DHS mailed Claimant a Redetermination for an MA benefit redetermination.
4. Claimant failed to return the MA benefit redetermination.

5. On 3/18/13, DHS mailed Claimant a Notice of Case Action informing Claimant of the MA benefit termination, effective, 4/2013, due to Claimant's failure to return the Redetermination.
6. On 3/25/13, Claimant requested a hearing to dispute MA, FAP and cash assistance closures.
7. Claimant testified that she does not wish to pursue a hearing concerning a cash benefit termination.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Prior to a substantive analysis, it should be noted that Claimant's hearing request noted that special arrangements were required for her attendance or participation in an administrative hearing. Claimant testified that she required no special arrangements.

The present case partly concerns a FAP benefit termination. Prior to an analysis of whether the FAP benefit termination was proper, it must be determined whether Claimant timely requested a hearing.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (1/2013), p. 4. DHS presented testimony that Claimant's FAP benefit eligibility ended sometime in late 2011. Claimant testified that it had been approximately one year since she last received FAP benefits. For purposes of this decision, Claimant's testimony will be accepted as accurate.

Claimant could not adequately explain why she waited one year to request an administrative hearing concerning FAP termination. Based on the presented evidence, Claimant's hearing request concerning FAP benefit termination was untimely.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant also requested a hearing concerning MA benefit termination. DHS testified that the basis for the termination was Claimant's failure to return redetermination forms.

DHS must periodically redetermine an individual's eligibility for active benefit programs. BAM 210 (11/2012), p. 1. The redetermination process includes thorough review of all eligibility factors. *Id.*


The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.*, p. 5. For MA, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.* For MA benefit redeterminations, the redetermination process begins when the client files a DHS-1171 (Assistance Application), DHS-1010 (Redetermination) or other redetermination document. *Id.*, Verifications for redetermination must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. *Id.*, p. 12.

In the present case, Claimant testified that she received a Redetermination from DHS. Claimant testified that she did not return the Redetermination to DHS or at least that she did not recall doing so. DHS testified credibly that Claimant failed to return the Redetermination and that an unsuccessful attempt was made to contact Claimant concerning returning the Redetermination. It is found that Claimant failed to return the Redetermination to DHS. Accordingly, the MA benefit termination was proper. As discussed during the hearing, Claimant may reapply for FAP or MA benefits at any time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to timely request a hearing concerning a FAP benefit termination. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefit eligibility. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/1/2013

Date Mailed: 5/1/2013

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

CG/hw

cc:

