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

IN THE MATTER OF:

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-883 2006 December 20, 2012 Wayne (82-57)
ADMINISTRATIVE LAW JUDGE: Robert J. Cha	avez	
HEARING DEC	CISION	
This matter is before the undersigned Administration and MCL 400.37 following Claimant's request telephone hearing was held on December Participants on behalf of Claimant included Department of Human Services (Department) included	t for a hearing. 20, 2012, from Particip	After due notice, a
<u>ISSUE</u>		
Due to a failure to comply with the verificati properly ☐ deny Claimant's application ☒ close benefits for:	ion requirements, e Claimant's case [did the Department reduce Claimant's
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		assistance (SDA)? ent and Care (CDC)?
FINDINGS OF	FACT	
The Administrative Law Judge, based upon the evidence on the whole record, including testimon		
 Claimant ☐ applied for ☒ was receiving: ☐ 	FIP FAP MA	□SDA □CDC.
Claimant was required to submit reques paperwork by July 31, 2012.	sted verification a	and redetermination
 3. On August 1, 2012, the Department ☐ denied Claimant's application. ☐ closed Claimant's case. ☐ reduced Claimant's benefits . 		

 4. On July 20, 2012, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits. 	
 5. On September 19, 2012, Claimant filed a hearing request, protesting the denial of Claimant's application. Closure of Claimant's case. reduction of Claimant's benefits. 	
CONCLUSIONS OF LAW	
Department policies are found in the Bridges Administrative Manual (BAM), the Bridg Eligibility Manual (BEM) and the Reference Tables Manual (RFT).	es
☐ The Family Independence Program (FIP) was established pursuant to the Person Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-142 USC 601, et seq. The Department (formerly known as the Family Independe Agency) administers FIP pursuant to MCL 400.10, et seq., and 1997 AACS R 400.31311. FIP replaced the Aid to Dependent Children (ADC) program effect October 1, 1996.	93, nce 01-
☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (program] is established by the Food Stamp Act of 1977, as amended, and implemented by the federal regulations contained in Title 7 of the Code of Fed Regulations (CFR). The Department (formerly known as the Family Independe Agency) administers FAP pursuant to MCL 400.10, et seq., and 1997 AACS 400.3001-3015	l is eral nce
∑ The Medical Assistance (MA) program is established by the Title XIX of the So Security Act and is implemented by Title 42 of the Code of Federal Regulations (CF The Department (formerly known as the Family Independence Agency) administers MA program pursuant to MCL 400.10, et seq., and MCL 400.105.	FR).
☐ The State Disability Assistance (SDA) program which provides financial assista for disabled persons is established by 2004 PA 344. The Department (formerly knowns as the Family Independence Agency) administers the SDA program pursuant to № 400.10, et seq., and 1998-2000 AACS R 400.3151-400.3180.	own
☐ The Child Development and Care (CDC) program is established by Titles IVA, and XX of the Social Security Act, the Child Care and Development Block Gran 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 19 The program is implemented by Title 45 of the Code of Federal Regulations, Parts and 99. The Department provides services to adults and children pursuant to № 400.14(1) and 1997 AACS R 400.5001-5015.	t of 996. 98

Additionally, the evidence shows that Claimant failed to submit proper requested redetermination paperwork .

Claimant testified that the paperwork was received. Furthermore, Claimant alleged to have turned in and submitted the paperwork in question by the due date, using a fax machine to do so. Claimant alleged to have a fax confirmation sheet which proved this to be the case.

Claimant requested that the fax confirmation sheet be submitted into the evidence record, and the Department offered no objections to the submission of that confirmation. The confirmation was never submitted.

Thus, as Claimant has provided no evidence of return of the redetermination paperwork in question, and as Claimant offered to provide evidence, but never submitted the evidence to the undersigned, the Administrative Law Judge holds that Claimant has provided no evidence of the return of the redetermination paperwork.

As the redetermination paperwork was required, and as there is no evidence that such paperwork was returned, the undersigned holds that the Department was correct to close Claimant's Medicaid case for failing to complete a proper redetermination.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department \square properly \square improperly
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 \square did not act properly.
Accordingly, the Department's decision is $oxtimes$ AFFIRMED $oxtimes$ REVERSED for the reasons stated on the record.

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

Date Signed: January 16, 2013

Date Mailed: January 16, 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.

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 <u>MAY</u> 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

RJC/pf

