

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-51144
Issue Nos.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: July 1, 2013
County: Wayne (82-19)

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, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUES

1. Did the Department properly close Claimant's Medical Assistance (MA) cases for failure to complete the redetermination?
2. Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits?

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 recipient of MA and FAP benefits.
2. On April 15, 2013, the Department sent Claimant a Notice of Case Action notifying her that the MA cases for her, her husband and their minor children were closing effective June 1, 2013, because Claimant had failed to timely submit a completed redetermination.

3. On May 29, 2013, Claimant filed a request for hearing disputing the Department's actions concerning her MA coverage and concerning the calculation of the household's FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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.

Additionally, the Department sent Claimant a May 17, 2013, Notice of Case Action notifying her that the MA cases for her, her husband, and their minor children were closing effective June 1, 2013, because Claimant had failed to complete a redetermination. Claimant filed a request for hearing on May 29, 2013, contending that she had timely submitted a completed redetermination and requesting a hearing also concerning the calculation of her FAP benefits. At the hearing, Claimant's AHR clarified that, after the hearing request was filed, the Department also closed the household's FAP case, and she wished to have the hearing address the closure of both the FAP and MA cases.

At the hearing, the Department testified that it had located Claimant's completed MA redetermination after it completed the June 5, 2013, hearing summary and that it processed the redetermination. In the course of processing the redetermination, it requested verifications concerning the household's self-employment income by June 25, 2013. When these requested verifications were not timely returned, the Department closed Claimant's FAP case and the MA cases for Claimant and her husband due to failure to provide requested verifications. Because the Department credibly testified that it processed Claimant's redetermination, the issue that resulted in Claimant's May 29, 2013, request for hearing was addressed by the Department and Claimant was not aggrieved by that Department action. See Mich Admin Code R 400.903(1).

Because Claimant was aggrieved by the Department's actions closing her FAP and MA cases for reasons unrelated to those resulting in the May 29, 2013, hearing request, she was advised to request a new hearing with respect to those actions.

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 (i) the Department addressed the MA issue resulting in the May 29, 2013, request for hearing by processing the MA redetermination and (ii) the issue of the subsequent closure of Claimant's MA and FAP cases is not properly presented for hearing.

Accordingly, the May 29, 2013, Request for Hearing is hereby **DISMISSED**.

IT IS SO ORDERED.



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

Date Signed: July 2, 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.

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

2013-51144/ACE

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

