

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


IN THE MATTER OF:



Reg. No.: 2014-2596
Issue No.: 2006, 3008
Case No.: 102609588
Hearing Date: November 6, 2013
County: P2P (98)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION



Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 6, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included , Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility based on a failure by Claimant to submit redetermination documents.

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. Claimant's FAP and MA eligibility was scheduled to expire at the end of /2013.
3. On an unspecified date, DHS mailed Claimant a Redetermination.
4. On an unspecified date in /2013, Claimant completed and returned a Redetermination to DHS.

5. On [REDACTED]/13, DHS mailed Claimant a Notice of Case Action initiating termination of MA eligibility, effective 10/2013.
6. On [REDACTED]/13, DHS mailed Claimant a notice that FAP benefit eligibility will expire, effective [REDACTED]/2013, due to a failure by Claimant to be interviewed concerning a redetermination of FAP benefits.
7. On [REDACTED]/13, Claimant requested a hearing to dispute FAP and MA benefit terminations.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing to dispute terminations of FAP and MA benefit eligibility. It was not disputed that both terminations occurred due to Claimant's alleged failure to timely submit a completed Redetermination to DHS.

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. BAM 210 (7/2013), p. 5. For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 3. If the client does not complete the redetermination process, DHS is to allow the benefit period to expire. *Id.*, p. 2. For MA, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*

Claimant testified that she mailed a Redetermination to DHS in [REDACTED]/2013. It was not disputed that Claimant called DHS after receiving closure notices to inform DHS that a Redetermination was submitted. Generally, calling DHS immediately after receiving a

closure notice to report that necessary documentation was submitted is consistent with a person who submitted necessary documentation.

It is also relevant that Claimant requested a hearing 12 days after DHS mailed a notice terminating benefit eligibility. Claimant's request for hearing stated that Claimant timely returned redetermination documents. Generally, clients that quickly respond to a benefit termination by requesting a hearing while specifically noting that paperwork was timely returned are credible clients.

DHS conceded in the Hearing Summary and by testimony that client mail was often misdirected to an incorrect office causing delays and/or other problems in receiving mail. In such a circumstance, it is reasonable to presume that DHS would lose a client's paperwork.

Based on the presented evidence, it is probable that Claimant timely returned necessary redetermination which was lost by DHS. Accordingly, the FAP and MA benefit terminations were improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's eligibility for FAP and MA benefits. It is ordered that DHS perform the following actions:

- (1) redetermine Claimant's FAP and MA benefit eligibility, effective 10/2013, subject to the finding that Claimant timely returned a Redetermination to DHS; and
- (2) initiate a supplement of any benefits improperly not issued.

The actions taken by DHS are **REVERSED**.



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

Date Signed: 11/15/2013

Date Mailed: 11/15/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

CG/hw

cc:

