

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201310866
Issue No.: 3008; 2018
Case No.: [REDACTED]
Hearing Date: April 22, 2013
County: Wayne (18)

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 April 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor; and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

Did the Department properly provide Claimant with Medical Assistance (MA) coverage?

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 FAP and MA benefits.
2. On August 31, 2012, the Department sent Claimant a redetermination that informed her that the completed redetermination was due to the Department by September 18, 2012, and that a phone interview was scheduled on September 18, 2012.
3. Claimant did not complete and submit the redetermination.

4. On September 18, 2012, the Department sent Claimant a Notice of Missed Interview informing her that her FAP case would close on September 30, 2012, unless she called to reschedule her interview.
5. On October 29, 2012, Claimant filed a request for hearing concerning her MA and 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.

Claimant's October 29, 2012, request for hearing specified that she requested a hearing concerning her FAP and MA cases.

MA Case

Claimant clarified at the hearing that she requested a hearing on October 29, 2012 concerning her MA coverage because she had been informed following a hospitalization that she did not have MA coverage. At the hearing, the Department testified that Claimant had received ongoing, uninterrupted MA coverage. However, the eligibility summary provided by the Department did not clearly establish that Claimant had ongoing MA coverage during the period at issue. The eligibility summary showed that Claimant had MA coverage either under the Low Income Family (LIF) program or Healthy Kids for pregnant women (HKP) program until August 31, 2012. It appears that she had MA coverage under the Group 2-Persons under age 21 (G2U) beginning November 1, 2012, ongoing, (although the EDG number for the recipient of this coverage does not match that for the recipient of the LIF or HKP coverage). The eligibility summary does not show any MA coverage for adults for the period between September 1, 2012 and October 31, 2012. Thus, the eligibility summary was contrary to the Department's testimony. The Department did not present any evidence to explain Claimant's lack of MA coverage during this period. Thus, the Department failed to

satisfy its burden of showing that it acted in accordance with Department policy with respect to Claimant's ongoing MA coverage.

FAP Case

The Department testified that Claimant's FAP case closed on September 30, 2012, because Claimant had failed to complete the redetermination process. 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 (May 2012), p 1. A FAP client must also complete a phone interview. BAM 210, p 3. 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.

The Department credibly testified that it sent Claimant a redetermination form on August 31, 2012, that was due back to the Department on September 18, 2012, and that no completed redetermination form was received by the Department prior to September 30, 2012, when Claimant's FAP case closed. Although Claimant testified that she did not receive the redetermination because she had moved to a new address, Claimant's testimony failed to establish that she had notified the Department of her change of address prior to November 2012. Furthermore, Claimant testified that she did receive the Notice of Missed Interview sent to her on September 18, 2012 at the same address as the redetermination was sent. Claimant could not verify that she had contacted the Department regarding her redetermination after receiving the Notice of Missed Interview. Under these facts, the Department acted in accordance with Department policy when it closed Claimant's FAP case based on Claimant's failure to complete the redetermination process.


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 acted in accordance with Department policy when it closed Claimant's FAP case, but failed to satisfy its burden that Claimant had ongoing MA coverage from September 1, 2012, ongoing. Accordingly, the Department's decision is AFFIRMED IN PART with respect to the Department's FAP decision AND REVERSED IN PART with respect to the Department's MA decision.

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

1. Begin reprocessing Claimant's MA eligibility in accordance with Department policy for September 1, 2012, ongoing;
2. Provide Claimant with MA coverage she is eligible to receive from September 1, 2012, ongoing; and

3. Notify Claimant in writing of its decision in accordance with Department policy.


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

Date Signed: 4/26/2013

Date Mailed: 4/26/2013

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

ACE/hw

cc:

