

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-11906
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: April 24, 2013
County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Due to a failure to submit the completed redetermination, did the Department properly
 deny Claimant's application close Claimant's case reduce Claimant's benefits
for:

- | | |
|---|--|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input checked="" type="checkbox"/> Adult Medical Program (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for was receiving: FIP FAP MA AMP SDA CDC.
2. Claimant was was not provided with a Redetermination (DHS-1010). Exhibit 1.

3. Claimant was required to submit a redetermination by October 4, 2012. Exhibit 1.
4. Claimant never submitted the redetermination by due date.
5. On October 20, 2012, the Department sent Claimant a Notice of Case Action informing her that her AMP benefits were closed effective November 1, 2012, due to her failure to submit a completed redetermination. Exhibit 1.
6. On November 8, 2012, Claimant filed a hearing request, protesting the
 denial. closure. reduction.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 400.3001 through 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Rule 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of

1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

As a preliminary matter, Claimant indicated that she also requested a hearing concerning her Food Assistance Program (FAP) benefits. However, at the hearing, Claimant only wanted to protest her AMP benefits and not her FAP benefits. Therefore, this decision will only address her AMP benefits.

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. For AMP cases, they do not require an in-person interview as a condition of eligibility. BAM 210, p. 3. Verifications are due the same date as the redetermination/review interview. BAM 210, p. 11. When an interview is not required, verifications are due the date the packet is due. BAM 210, p. 11.

In this case, on September 11, 2012, the Department sent Claimant a redetermination due on October 4, 2012, and a telephone interview was scheduled on October 4, 2012. Exhibit 1. A Notice of Missed Interview (DHS-254) was also sent to Claimant on October 4, 2012, which further notified Claimant of the redetermination prior to the closure of the AMP benefit period. Exhibit 1. On October 8, 2012, Claimant contacted the Department stating she never received the September 11, 2012, redetermination. Thus, the Department reprinted the redetermination form and mailed it to the client on October 8, 2012. The AMP redetermination benefit period ended on October 31, 2012. The Department did not receive a completed redetermination nor was the Department contacted by Claimant after October 8, 2012; therefore, the Department closed Claimant's AMP case effective November 1, 2012, ongoing, based on her failure to submit a completed redetermination. Exhibit 1.

At the hearing, Claimant testified that she lives with her parents and sometimes she does not get the mail. The proper mailing and addressing of a letter creates a presumption of receipt which may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). Claimant presented no documentary evidence to show that she did not receive the redetermination. Moreover, Claimant testified that she must have received both the September 11, 2012, redetermination and the reprint, which was requested on October 8, 2012. Claimant testified that she possibly overlooked the redetermination forms in the mail. It is found that Claimant failed to rebut the presumption of proper mailing.

Moreover, Claimant testified that she was hospitalized twice around October of 2012. Claimant testified that the hospitalizations were overnight stays. However, Claimant never contacted the Department regarding these issues other than the request for reprint on October 8, 2012. Based on the foregoing information and evidence, the Department properly sent Claimant the redetermination and Claimant failed to submit a

completed redetermination prior to October 31, 2012. Thus, the Department acted in accordance with Department policy when it closed Claimant's AMP case effective November 1, 2012, due to Claimant's failure to submit a completed redetermination.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, the Administrative Law Judge concludes that the Department

properly improperly

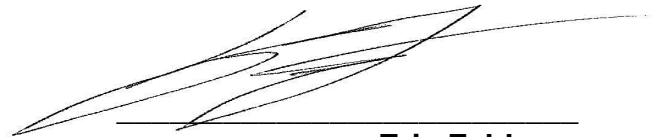
- closed Claimant's AMP case.
- denied Claimant's application.
- reduced Claimant's benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department

did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated above and on the record.



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

Date Signed: April 30, 2013

Date Mailed: April 30, 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

EJF/pf

cc:

