

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

IN THE MATTER OF:



Reg. No.: 2013-14984
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: April 29, 2013
County: SSPC-East (97-98)

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 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. No participants on behalf of the Department of Human Services (Department) were present. For one-half of an hour after the scheduled hearing time, attempts were made to reach someone on behalf of the Department and SSPC-East, without success. As such, the Hearing went forward without the Department's participation.

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 November 1, 2012. Exhibit 1.
4. Claimant never submitted the redetermination by the due date.
5. On November 19, 2012, the Department sent Claimant a Notice of Case Action informing him that his AMP benefits were closed effective January 1, 2013, due to his failure to submit a completed redetermination. Exhibit 1.
6. On November 27, 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, the Department was not present for the hearing. The Michigan Administrative Hearing System in Detroit, Michigan, made numerous attempts to contact the Department regarding the hearing; however, there was no success. Therefore, the hearing proceeded only with Claimant and no Department representative(s) was present.

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 (November 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. Additionally, local offices must assist clients who need and request help to complete applications and forms and obtain verifications. BAM 210, p. 1.

At the hearing, Claimant testified that he did receive the redetermination packet mailed on October 16, 2012, with a due date and telephone interview on November 1, 2012. Exhibit 1. Claimant testified that once he received the redetermination packet, he contacted his caseworker numerous times before the November 1, 2012, due date and requested assistance completing the redetermination. Claimant credibly testified that he never received any return phone calls from the Department. Claimant also testified that he went to his Department office at the end of October in order to receive assistance from his caseworker to fill out the redetermination. Claimant testified that his office told him that he had a new caseworker. Moreover, Claimant testified that he was unable to find out who his new caseworker was and spoke to numerous employees in an attempt to complete the redetermination. Claimant testified that he was unsuccessful in receiving assistance to complete his form the day of his visit. Nevertheless, Claimant testified that he completed the redetermination and submitted it in the drop box sometime after the November 1, 2012, due date.

In this case, the Department was not present for the hearing and was unable to rebut Claimant's testimony. Claimant requested assistance from the Department but never received such help. The Department must assist claimants when such help is requested per policy. BAM 210, p. 1. Thus, the Department did not act in accordance with Department policy when it closed Claimant's AMP case effective January 1, 2013.

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.

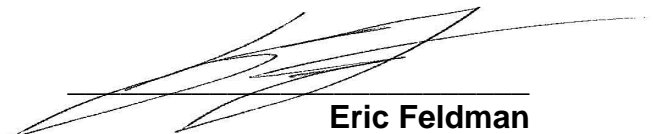
DECISION AND ORDER

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.

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

1. Reinstate Claimant's AMP case as of January 1, 2013;
2. Supplement Claimant for any lost AMP benefits that Claimant was eligible to receive but did not from January 1, 2013, ongoing; if otherwise eligible and qualified, in accordance with Department policy; and
3. Notify Claimant in writing of its decision in accordance with Department policy.



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

Date Signed: May 1, 2013

Date Mailed: May 1, 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:

