

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

IN THE MATTER OF:



Reg. No.: 201317928
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: January 24, 2013
County: Wayne (31)

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 January 24, 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 Worker.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP), Medical Assistance (MA) and Medicare Savings Program (MSP) cases for failure to provide requested verifications?

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 benefits.
2. During an October 2012 Department office reconciliation, Claimant's worker was unable to find Claimant's file.
3. On October 24, 2012, the Department sent Claimant an application and other verifications to reconstruct the file.

4. When Claimant did not respond, the Department sent Claimant a November 8, 2012, Notice of Case Action informing her that her FAP, MA and MSP cases would close effective December 1, 2012, based on her failure to provide requested verifications.
5. Claimant did not receive the October 24, 2012, or November 8, 2012, correspondence from the Department.
6. On December 12, 2012, Claimant filed a request for hearing disputing the Department's action.

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 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 Mich Admin Code, R 400.3101 through R 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, 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.

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 of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3151 through R 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 Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, when a case is being transferred and a client's physical case record cannot be located, the Department is required to reconstruct the record using available documents and other information, have the client sign a new application, and obtain sufficient verifications and documentation to support the eligibility determination. BAM 305 (July 1, 2009). In this case, the Department testified that, in October 2012, in connection with an office reconciliation, the Department could not find Claimant's file. On October 25, 2012, Claimant's worker sent Claimant an application and a quick note advising her that she was required to complete and submit the application or her case would close. Additional requests for verifications were sent to Claimant by the Department's central print office in Lansing on October 25, 2012. When Claimant did not respond, the Department sent Claimant a November 8, 2012 Notice of Case Action closing her FAP, MA and MSP cases effective December 1, 2012, based on failure to provide requested verifications. The Department testified that Claimant's physical file that could not be found in October 2012 was subsequently found during a January 2013 office reconciliation.

At the hearing, Claimant credibly testified that she did not receive the correspondence from the Department dated October 25, 2012 or November 8, 2012 and that the last correspondence she had received prior to her case closure was the August 10, 2012, Notice of Case Action informing her that she was approved for ongoing FAP benefits following her FAP redetermination. Because Claimant did not receive the documents sent by the Department, the Department did not act in accordance with Department policy when it closed her FAP, MA, and MSP cases effective December 1, 2012. It is further noted that the policy permitting the Department to reconstruct a lost file applies when a case file is being transferred to a different local office. Because Claimant's case file was not being transferred in this case, the Department did not have the authority under BAM 305 to require Claimant to file a new application and provide verifications.

DECISION AND ORDER

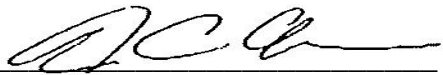
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

- did act properly when .
- did not act properly when it closed Claimant's FAP, MA and MSP cases.

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

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 FAP, MA and MSP cases as of December 1, 2012;
2. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from December 1, 2012, ongoing; and
3. Provide Claimant with MA and MSP coverage she was eligible to receive from December 1, 2012, ongoing.



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

Date Signed: January 31, 2013

Date Mailed: January 31, 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:

