

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201319239
Issue No.: 2001, 3008
Case No.: [REDACTED]
Hearing Date: January 24, 2013
County: Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on January 24, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Adult Medical Program (AMP) on November 1, 2012 for failure to provide required verifications?

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on November 1, 2012 for failure to provide required verifications?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits.
- (2) On September 17, 2012, Claimant submitted an application for State Emergency Relief (SER) assistance with energy services.
- (3) On September 18, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of checking and savings accounts for her Adult Medical Program (AMP) and Food Assistance Program (FAP). The verifications were due on September 28, 2012.

- (4) On October 10, 2010, the Department had not received verification of Claimant's checking and savings accounts. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Adult Medical Program (AMP) and Food Assistance Program (FAP) would close November 1, 2012.
- (5) On October 18, 2012, the Department received verification of Claimant's checking and savings accounts submitted with her Semi-Annual Contact Report (DHS-1046).
- (6) On December 18, 2012, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 205 REINSTATEMENTS

DEPARTMENT POLICY

All Programs

The policies in this item apply to:

- All **FIP**, **SDA** and **CDC** groups.
- **FAP** groups whose benefit period ends after the month of the potential reinstatement.
- **MA** and **AMP** groups whose eligibility ends the month of, or later than, the month of potential reinstatement.

REINSTATEMENT REASONS

All Programs

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for any of the following reasons:

- Closed in error.
- Closed-correct information not entered.
- Timely hearing request.
- Redetermination packet not logged in.
- Hearing decision ordered reinstatement.
- Complied with program requirements before negative action date.
- DHS-1046 manually sent and due date is after the last day of the 6th month.
- Court ordered reinstatement.

BAM 220 CASE ACTIONS

DEPARTMENT POLICY

All Programs

Process the following case actions:

- Initial applications and reapplications (BAM 115).
- Redeterminations (BAM 210).
- Reinstatements (BAM 205).

Bridges will evaluate each change reported and entered in the system to determine if it affects eligibility.

EFFECTIVE DATE OF CHANGE

All Programs

Bridges evaluates the following dates entered in data collection to determine positive action dates, negative action dates and effective dates:

- Circumstance start/change date.
- Reported on.
- Verification received on.
- Date client became aware.

Negative Actions:

If timely notice is required, the negative action date must be the first work day at least 11 days after the notice was sent, or the date the change is expected to occur if that is later. If adequate or no notice is required, the negative action date is immediate (the day action is taken on the change), but not before the change is expected to occur.

NEGATIVE ACTION DATE

Bridges automatically calculates the negative action date. The negative action date on Bridges is the day after the timely hearing request date on the Bridges notice of case action.

DELETING A NEGATIVE ACTION

All Programs

Negative actions must be deleted from Bridges in some situations.

Hearing Requests

Record the hearing request date and complete all required information on the Hearings Restore Benefits screen in Bridges. Then follow Additional Steps to Delete a Negative Action in this section; see BAM 600.

Requirement Met Before Negative Action Effective Date

Enter the information the client provided to meet the requirement that caused the negative action, using the appropriate Bridges screens. Then follow Additional Steps to Delete a Negative Action in this section.

Additional Steps to Delete a Negative Action

Take these additional steps to delete a negative action in Bridges:

- Reactivate the program(s) on the Program Request screen in Bridges.
- Run eligibility and certify the results.

Bridges will automatically recalculate benefits based on the information and dates entered in the system; see EFFECTIVE DATE OF CHANGE in this item.

In this case notice of closure for both Food Assistance Program (FAP) and Adult Medical Program (AMP) was sent on October 10, 2012. The negative action date given on the notice was October 22, 2012 and the negative action effective date on the notice was November 1, 2012. The Department case worker testified that the missing verifications causing the closure were received on October 18, 2012. The missing verifications were received before the negative action date and the negative action effective date.

Bridges Administration Manual (BAM) 205, cited above, states that the cases should be reinstated because Claimant complied with the program requirements before the negative action date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT

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properly close Claimant Food Assistance Program (FAP) and Claimant's Adult Medical Program (AMP) on November 1, 2012 for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **REVERSED**.

It is further ORDERED that the Department reinstate both Claimant's Food Assistance Program (FAP) and Adult Medical Program (AMP) in accordance with Bridges Administration Manual (BAM) 220, cited above.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 29, 2013


Date Mailed: January 29, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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