

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201321035  
Issue No.: 2006; 3008  
Case No.: [REDACTED]  
Hearing Date: February 11, 2013  
County: Wayne (49)

**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 February 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED], Family Independence Manager.

**ISSUE**

Due to a failure to comply with the verification requirements, 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 type="checkbox"/> Adult Medical Program (AMP)?       |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" 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).

3. Claimant was required to submit requested verification by December 5, 2012.
4. On January 1, 2012, the Department
  - denied Claimant's application
  - closed Claimant's cases
  - reduced Claimant's benefitsfor failure to submit the completed redetermination in a timely manner.
5. On December 28, 2012, Claimant filed a hearing request, protesting the
  - denial.  closure.  reduction.

### **CONCLUSIONS OF LAW**

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the 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 1999 AC, Rule 400.3001 through Rule 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 2000 AACS, 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.

Additionally, at the hearing, Claimant indicated that she was concerned about the Department's closure of her FAP and MA cases effective January 1, 2013, and also of FAP benefits issued to her in July 2012. However, because Claimant filed her request for hearing on December 28, 2012, which was more than 90 days after the Department's actions concerning her July 2012 FAP benefits, the issue concerning the prior FAP benefit allotment could not be considered at the hearing. See BAM 600 (February 1, 2013), p 4. The hearing proceeded with respect to the closure of Claimant's FAP and MA cases as of January 1, 2013.

The Department testified that Claimant's FAP and MA cases closed as of January 1, 2013 because Claimant had failed to return a completed redetermination. 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 1, 2012), p 1. A FAP client must also complete a phone interview. BAM 210, p 3. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. BAM 210, p 9. FAP and MA 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.

In this case, the Department sent Claimant a redetermination form in connection with her continued eligibility for her FAP and MA benefits. The redetermination was due on December 5, 2012, and a telephone interview was scheduled on December 5, 2012. The Department testified that it did not receive a completed redetermination prior to December 31, 2012, and closed Claimant's FAP and MA cases effective December 31, 2012, based on her failure to submit a completed redetermination.

At the hearing, Claimant testified that she had completed the redetermination form and sent it in to the Department prior to the December 5, 2012, due date. She credibly testified that she awaited the Department's phone call on December 5, 2012, and when she did not receive it, she called the Department and left a message that she had recently mailed in her redetermination and was not sure of it had been received yet, but that she had not received a phone interview call. The evidence established that Claimant's worker did not respond to her call until January 7, 2013, at which time she advised Claimant to reapply because her case had closed on January 1, 2013. However, prior to the January 1, 2013, closure of her FAP and MA cases, the Department established that it sent Claimant a Notice of Missed Interview, advising her that she had missed her interview and that it was her responsibility to reschedule it. The Department also sent Claimant a December 14, 2012, Notice of Case Action advising her that her MA case would close on January 1, 2013, because she had failed to submit a completed redetermination. Furthermore, the supervisor for Claimant's worker credibly testified that, when Claimant delivered the request for hearing to the local office on December 28, 2012, she advised Claimant that if she completed the

redetermination within the next two days, she would receive ongoing, uninterrupted FAP and MA benefits. Although Claimant testified that she sent in her completed redetermination to the Department, the Department credibly testified that it did not receive a completed redetermination from Claimant. Under the facts in this case, where the Department advised Claimant that her redetermination was not received and gave her the opportunity to complete the document before her cases closed, the Department acted in accordance with Department policy when it closed Claimant's FAP and MA cases.

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

properly  improperly

- closed Claimant's 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 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.



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

Date Signed: 2/14/13

Date Mailed: 2/14/13

**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:

