

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

**IN THE MATTER OF:**



Reg. No.: 201337395  
Issue No.: 2006, 3008  
Case No.: [REDACTED]  
Hearing Date: April 25, 2013  
County: Jackson

**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 April 25, 2013. Claimant appeared and testified.

**ISSUE**

Did the Department of Human Services properly close Claimant's Medical Assistance (MA) on April 1, 2013?

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on April 1, 2013?

**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 Medical Assistance (MA) and Food Assistance Program (FAP) benefits. Claimant's eligibility certification period ended on March 31, 2013. Claimant was due for re-determination by March 31, 2013.
- (2) On February 12, 2013, Claimant was sent a Redetermination Form (DHS-1010). The form was due back on March 5, 2013 and scheduled an appointment on that date.
- (3) On March 5, 2013, the Redetermination Form (DHS-1010) had not been returned and no interview was conducted. Claimant was sent a Notice of Missed Appointment (DHS-254) form which stated she was responsible for rescheduling the interview by March 31, 2013 or the re-determination would be denied.

- (4) On March 13, 2013, Claimant submitted the Redetermination Form (DHS-1010) along with required verifications.
- (5) On March 18, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Medical Assistance (MA) would close on April 1, 2013.
- (6) On March 25, 2013, Claimant submitted a request for hearing.
- (7) On April 1, 2013, Claimant had not participated in an interview. Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) were closed.

### **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by 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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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).

At this hearing Claimant testified that she had not spoken with the DHS case worker by April 1, 2013. Department of Human Services Bridges Administration Manual (BAM) 115 (2013) page 13 shows that eligibility for Food Assistance Program (FAP) benefits requires an interview. On April 1, 2013, Claimant's previous eligibility certification period was over and all requirements to re-determine ongoing eligibility had not been accomplished. Closure of Claimant's Food Assistance Program (FAP) on April 1, 2013 was correct in accordance with law and policy.

At this hearing ES [REDACTED] testified that Claimant had submitted required verifications with the Redetermination Form (DHS-1010). Department of Human Services Bridges Administration Manual (BAM) 210 (2012) page 3 shows that eligibility for Medical Assistance (MA) benefits does not require an interview. Closure of Claimant's Medical Assistance (MA) on April 1, 2013 was not a correct action in accordance with law and policy.

**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 properly close Claimant's Medical Assistance (MA) on April 1, 2013.

It is ORDERED that the actions of the Department of Human Services, regarding Claimant's Medical Assistance (MA), are REVERSED.

It is further ORDERED that Claimant's Medical Assistance (MA) be reinstated and her redetermination for ongoing eligibility after March 31, 2103 be processed in accordance with Department policy.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) on April 1, 2013.

It is ORDERED that the actions of the Department of Human Services, regarding Claimant's Food Assistance Program (FAP), are UPHELD.

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

Date Signed: 4/26/13

Date Mailed: 4/29/13

**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.

221337395/GFH

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

GFH/tb

cc:

