

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-44383
Issue Nos.: 2006, 3019
Case No.: [REDACTED]
Hearing Date: May 29, 2013
County: Wayne (82-18)

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 May 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUES

1. Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective May 1, 2013, ongoing?
2. Did the Department properly close Claimant's case for Medical Assistance (MA) effective May 1, 2013, ongoing?

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 was an ongoing recipient of FAP and MA benefits.
2. On March 28, 2013, the Department sent Claimant an application for a redetermination and also a Verification Checklist (VCL) regarding Claimant's MA benefits. Exhibit 8.
3. Claimant was required to submit a redetermination and VCL by April 8, 2013. Exhibit 8.

4. On April 2, 2013, Claimant contacted the Department requesting that her FAP benefits be closed.
5. On April 2, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits were closed effective May 1, 2013, ongoing, due to her case closure request. Exhibit 6.
6. Claimant did not submit the redetermination or the VCL by the April 8, 2013, due date.
7. On April 15, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA case would close effective May 1, 2013, ongoing, for failure to submit the completed redetermination or the VCL in a timely manner. Exhibit 9.
8. On April 22, 2013, Claimant filed a hearing request, protesting the closure of her FAP and MA benefits.

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.

FAP Benefits

A negative action is a Department action to deny an application or to reduce, suspend or terminate a benefit. BAM 220 (November 2012), p. 1. When a recipient is no longer eligible or requests case closure, the Department does all of the following: (i) enter all appropriate information, including verification sources, in the system to document ineligibility, or the client's request that the program(s) be closed; (ii) run eligibility determination and benefit calculation (EDBC) in the system and certify the eligibility results; and (iii) make appropriate referrals for other programs or services. BAM 220, p. 15. Moreover, when a negative change occurs and the case closes, the Department sends a DHS-1605, Notice of Case Action, to the claimant. BAM 220, p. 16. Also for FAP cases, a notice of case action is not sent if the group voluntarily requests closure in writing. BAM 220, p. 4. The action must take effect no later than the month after the change. BAM 220, p. 4.

In this case, Claimant was an ongoing recipient of FAP benefits. On April 2, 2013, Claimant contacted the Department requesting that her FAP benefits be closed. Claimant testified that she did contact the Department on this date requesting her FAP case closure. Thus, on April 2, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits were closed effective May 1, 2013, ongoing because she requested that her case be closed. Exhibit 6.

Based on the following information and evidence, the Department properly closed Claimant's FAP benefits effective May 1, 2013, ongoing, in accordance with Department policy based on Claimant's case closure request. BAM 220, pp. 1, 4, 15, and 16.

MA Benefits

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 MA cases, 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. Also, the redetermination month is 12 months from the date the most recent complete application was submitted. BAM 210, p. 2. Local offices must assist clients

who need and request help to complete applications, forms and obtain verifications. BAM 210, p. 1.

Also, clients must cooperate with the local Department office in obtaining the necessary forms for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. For MA cases, the Department allows the client 10 calendar days to provide the verification it requests. BAM 130 (May 2012), p. 5. If the client cannot provide the verification despite a reasonable effort, the Department extends the time limit up to three times. BAM 130, p. 5. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 5. Also for MA cases, if the client indicates refusal to provide a verification or the time period given has elapsed, then policy directs that a negative action be issued. BAM 130, p. 6. Timely notice is required to reduce or terminate benefits. BAM 130, p. 6.

In this case, Claimant was an ongoing recipient of MA benefits. The Department testified that Claimant's MA redetermination was set for March of 2013. However, the Department's system did not send out the redetermination paperwork to the Claimant. Thus, the Department testified that it manually sent out an MA application as a substitution for the redetermination on March 28, 2013. The Department also sent Claimant a VCL regarding her MA benefits on March 28, 2013. See Exhibit 8. Claimant was required to respond to these documents by April 8, 2013. Exhibit 8. Claimant did not submit the redetermination or the VCL by the due date. Thus, on April 15, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA case closed effective May 1, 2013, ongoing, for failure to submit the completed redetermination or the VCL in a timely manner. Exhibit 9.

At the hearing, the Department presented as evidence the Verification Checklist which indicated that Claimant had to complete the application for a redetermination of the MA benefits. See Exhibit 8.

Claimant testified that she did receive the VCL dated March 28, 2013. Claimant testified that she did not complete the paperwork because (i) the Department advised her during the April 2, 2013, phone conversation that she did not have to complete the forms and (ii) she has provided the documentation to the Department on prior requests. The Department testified that it did not advise Claimant not to complete the forms. Additionally, it was discovered during the hearing that it was possible that Claimant misunderstood that the requested documentation had to be completed for her MA redetermination and not for her closed FAP benefits, which might have explained why the documents were not submitted. Nevertheless, Claimant did not submit the requested documentation by the April 8, 2013, due date.


Based on the foregoing information and evidence, the Department properly closed Claimant's MA case effective May 1, 2013, ongoing, in accordance with Department policy because Claimant failed to submit a completed redetermination and VCL documents. BAM 130, pp. 1-6; BAM 210, pp. 1-2.

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 closed Claimant's FAP and MA benefits effective May 1, 2013, ongoing.

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.


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

Date Signed: June 10, 2013

Date Mailed: June 11, 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

2013-44383/EJF

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

EJF/pf

cc:

