

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201345434  
Issue No.: 2006, 3022  
Case No.: [REDACTED]  
Hearing Date: June 5, 2013  
County: Wayne DHS (49)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 June 5, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUES**

The first issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefit eligibility due to a failure to timely submit a Semi-Annual Contact Report.

The second issue is whether DHS properly terminated Claimant's Medical Assistance (MA) benefit eligibility due to a failure to timely return a Redetermination.

**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 FAP and MA benefit recipient.
2. On 1/2/13, DHS mailed Claimant a Semi-Annual Contact Report.
3. The end of Claimant's sixth FAP benefit month was 2/28/13.
4. On 3/1/13, Claimant's FAP benefit eligibility expired, due to Claimant's failure to return the SACR.

5. On 3/12/13, DHS mailed Claimant a Redetermination, concerning MA eligibility
6. On 3/15/13, Claimant returned the SACR to DHS.
7. On approximately 4/17/13, DHS initiated termination of Claimant's MA benefit eligibility, effective 5/2013, due Claimant's failure to return a Redetermination.
8. Claimant failed to return the MA benefit redetermination.
9. On 5/6/13, Claimant requested a hearing to dispute the MA and FAP terminations.

### **CONCLUSIONS OF LAW**

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute a FAP benefit termination. It was not disputed that the termination was based on a failure by Claimant to timely return an SACR.

DHS must periodically redetermine an individual's eligibility for active programs. BAM 210 (11/2012), p. 1. A complete redetermination is required at least every 12 months. *Id.* FAP groups with countable earnings and a 12-month benefit period must have a semi-annual contact. *Id.*, p. 7. Bridges (the DHS database) sends a DHS-1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12-month benefit period. *Id.* The semi-annual mid-certification contact must be completed and results certified in Bridges by the last day of the sixth month of the benefit period to effect benefits no later than the seventh month. *Id.*, p. 8. The contact is met by receipt of a completed Semi-Annual Contact Report (SACR) and required verifications. *Id.* If the client fails to return a complete SACR by the last day of the sixth month, Bridges will automatically close the case. *Id.*, p. 9.

It was not disputed that Claimant submitted an SACR to DHS on 3/15/13. The SACR was due prior to 2/28/13 (the last day of Claimant's sixth FAP benefit month). Claimant's failure to return the SACR prior to the end of her benefit period properly resulted in a termination of FAP eligibility, effective 3/2013.

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). DHS 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 Reference Tables Manual (RFT).

Claimant also requested a hearing concerning MA benefit termination. DHS testified that the basis for the termination was Claimant's failure to return a Redetermination.

DHS must periodically redetermine an individual's eligibility for active benefit programs. BAM 210 (11/2012), p. 1. The redetermination process includes thorough review of all eligibility factors. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.*, p. 5. For MA, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.* For MA benefit redeterminations, the redetermination process begins when the client files a DHS-1171 (Assistance Application), DHS-1010 (Redetermination) or other redetermination document. *Id.*, Verifications for redetermination must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. *Id.*, p. 12.

In the present case, DHS established that Claimant was mailed a Redetermination on 3/12/13. It is presumed that the Redetermination was due in early 4/2013. When Claimant failed to return the Redetermination by the due date, DHS properly initiated Claimant's MA benefit eligibility on 4/17/13, effective 5/2013. Claimant conceded not returning the Redetermination to DHS; accordingly, the MA benefit termination is found to be proper. As discussed during the hearing, Claimant may reapply for FAP or MA benefits at any time.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP eligibility, effective 3/2013, and MA benefit eligibility, effective 5/2013. The actions taken by DHS are AFFIRMED.



Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 6/13/2013

Date Mailed: 6/13/2013

**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

CG/hw

cc:

