

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-49064
Issue Nos.: 2006, 3008
Case No.: [REDACTED]
Hearing Date: June 24, 2013
County: Wayne (82-76)

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 June 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) cases for failure to complete the redetermination process?

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.
2. On April 15, 2013, the Department sent Claimant a redetermination form to determine her ongoing eligibility for FAP and MA.
3. Claimant was required to submit the completed redetermination by May 2, 2013.
4. On May 31, 2013, the Department closed Claimant's FAP case because she had failed to complete the redetermination form and her FAP period had expired.

5. On May 17, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA case would close effective June 1, 2013, because she had failed to submit a completed redetermination.
6. On May 24, 2013, Claimant filed a hearing request, protesting the closure of her FAP and MA cases.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), and the Department of Human Services Reference Tables Manual (RFT).

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 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, R 400.3001 through R 400.3015.

Additionally, the Department requires recipients of state benefits to complete redeterminations at least once every twelve months. BAM 210 (November 2012), p. 1. 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.

On April 15, 2013, the Department sent Claimant a redetermination to determine her continued MA and FAP eligibility. The redetermination was sent in the Department's regular course of business to Claimant at the address she verified at the hearing. Claimant was required to complete and sign the redetermination and return it, with requested proofs, to the Department by May 2, 2013. The redetermination also informed Claimant that she had to participate in a telephone interview on May 2, 2013. When the Department did not receive the completed redetermination, it closed Claimant's FAP case effective May 31, 2013, when her FAP certification period expired, and sent her a May 17, 2013, Notice of Case Action, informing her that her MA case would close effective June 1, 2013, based on her failure to complete the redetermination process.

At the hearing, Claimant acknowledged that she had received the redetermination form. She testified that she completed the form and submitted it after the due date, but prior to the May 31, 2013, expiration of the certification periods of her programs, by dropping it

in the drop box. The Department testified that clients are required to sign the sign-in log for the drop box whenever they submit documentation in the drop box. Claimant testified that she submitted her completed redetermination between May 13, 2013, and May 24, 2013. During the hearing, the Department worker retrieved the sign-in logs for the period between May 13, 2013, and May 24, 2013, and both she and Claimant reviewed the logs and found that Claimant's signature appeared only on May 24, 2013, when she submitted the request for hearing. Although Claimant was concerned that the Department had not provided a complete log for her review, the Department credibly testified that the logs were taken directly from the area where they are stored to the hearing room and were not tampered with. Because the Department denied receiving a completed redetermination from Claimant and Claimant was unable to establish that she submitted the completed redetermination prior to the end of the certification period, the Department acted in accordance with Department policy when it closed Claimant's MA and FAP cases based on Claimant's failure to complete the redetermination process.

At the hearing, Claimant also expressed concerns because she had requested that her FAP benefits continue pending her hearing. While waiting for the hearing decision, recipients must continue to receive the assistance authorized prior to the notice of negative action when the request for hearing was filed timely within 11 days of the effective date of the negative action *unless* the case involves FAP and the benefit period has expired. BAM 600, p. 18. Because Claimant's FAP case involved a redetermination and the FAP certification period expired on May 31, 2013, Claimant was not entitled to continued FAP benefits pending the hearing. Thus, the Department acted in accordance with Department policy when it failed to continue issuing FAP benefits to Claimant pending the hearing.

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 acted in accordance with Department policy when it closed Claimant's MA and FAP cases based on Claimant's failure to timely submit a completed redetermination.

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: June 25, 2013

Date Mailed: June 25, 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 receipt 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 affect 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/pf

cc:

