

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013-49865
Issue No.: 2001; 3000
Case No.: ██████████
Hearing Date: June 26, 2013
County: Oakland (3)

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 June 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist.

ISSUE

Due to a failure to submit the completed redetermination, 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 checked="" type="checkbox"/> Adult Medical Program (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input 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. On February 12, 2013, the Department sent Claimant a redetermination (DHS-1010) to his previous address. See Exhibit 1.

3. On February 13, 2013, Claimant contacted the Department to update his new address.
4. On February 14, 2013, the Department sent Claimant a redetermination to his new address. Exhibit 1.
5. On March 8, 2013, Claimant contacted the Department stating that he had not received the redetermination.
6. On March 8, 2013, the Department sent an additional redetermination to Claimant's new address. Exhibit 1.
7. On an unspecified date, Claimant acknowledged that he received the redetermination.
8. The Department did not receive a completed redetermination before the benefit period ended in March of 2013.
9. On March 18, 2013, the Department sent Claimant a Notice of Case Action informing him that his AMP benefits were closed effective April 1, 2013, ongoing, due to his failure to submit a completed redetermination. Exhibit 1.
10. On May 28, 2013, Claimant filed a hearing request, protesting his MA closure and his Food Assistance Program (FAP) benefits. Exhibit 1.

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 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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

As a preliminary matter, Claimant indicated that he also requested a hearing concerning his Food Assistance Program (FAP) benefits. However, at the hearing, Claimant testified that he receives his FAP benefits and only wanted to protest his AMP benefits. Thus, Claimant's FAP hearing request is DISMISSED, pursuant to Michigan Administrative Rule 400.906(1).

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 AMP cases, they do not require an in-person interview as a condition of eligibility. BAM 210, p. 3. Verifications are due the same date as the redetermination /review interview. BAM 210, p. 11. When an interview is not required, verifications are due the date the packet is due. BAM 210, p. 11.

In this case, on February 12, 2013, the Department sent Claimant a redetermination (DHS-1010) to his previous address. See Exhibit 1. On February 13, 2013, Claimant contacted the Department to update his new address. On February 14, 2013, the Department sent Claimant a redetermination to his new address. Exhibit 1. On March 8, 2013, Claimant contacted the Department stating that he had not received the redetermination. On March 8, 2013, the Department sent an additional redetermination to Claimant's new address. Exhibit 1. On an unspecified date, Claimant acknowledged that he received the redetermination. However, the Department did not receive a completed redetermination before the AMP redetermination benefit period ended on March 31, 2013. On March 18, 2013, the Department sent Claimant a Notice of Case Action informing him that his AMP benefits were closed effective April 1, 2013, ongoing, due to his failure to submit a completed redetermination. Exhibit 1.

At the hearing, Claimant testified that he did receive the redetermination. Claimant testified that he dropped off a completed redetermination at his local DHS on or around March 14, 2013. Moreover, Claimant testified that he signed the logbook regarding his dropping off the redetermination. Thus, Claimant and the Department reviewed the logbook for the month of March 2013. Claimant nor the Department could locate Claimant's signature and/or dropoff of the redetermination.

Based on the foregoing information and evidence, the Department properly closed Claimant's AMP benefits. Claimant testified that he was assured that he dropped off the redetermination in the DHS office. However, a review of the logbook indicated no evidence that he had submitted the redetermination. Also, even though there was an address change, Claimant testified that he did receive the redetermination eventually. The Department did not receive a completed redetermination before the benefit period ended on March 31, 2013. Thus, the Department acted in accordance with Department policy when it closed Claimant's AMP case effective April 1, 2013, ongoing, due to Claimant's failure to submit a completed redetermination. BAM 210, p. 1.

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 when it closed Claimant's AMP case effective April 1, 2013, ongoing.

Accordingly, the Department's AMP decision is AFFIRMED REVERSED for the reasons stated above and on the record.

It is ALSO ORDERED that Claimant's FAP hearing request is DISMISSED, pursuant to Michigan Administrative Rule 400.906(1).



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

Date Signed: July 3, 2013

Date Mailed: July 3, 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

EJF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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