

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-51738
Issue No.: 2006; 3008
Case No.: ██████████
Hearing Date: July 10, 2013
County: Wayne (76)

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 July 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistant Payment Worker.

ISSUES

Did the Department properly close Claimant's Medical Assistance (MA) benefits effective June 1, 2013?

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective June 1, 2013?

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 recipient of FAP and MA benefits. See Exhibit 1.
2. On April 15, 2013, the Department sent Claimant a Redetermination Telephone Interview, which was scheduled on May 2, 2013. Exhibit 1.
3. On May 2, 2013, Claimant never received a telephone call interview from the Department.

4. On May 2, 2013, the Department sent Claimant a Notice of Missed Interview. Exhibit 1.
5. On May 3, 2013, Claimant contacted the Department and left a voicemail for her caseworker regarding the missed telephone interview.
6. The Department never received the redetermination packet from Claimant.
7. On May 17, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits would close effective June 1, 2013, ongoing, due to her failure to submit a redetermination packet. Exhibit 1.
8. Claimant's FAP benefits closed effective June 1, 2013, ongoing, due to her failure to submit a redetermination packet before the end of the benefit period.
9. On June 3, 2013, Claimant filed a hearing request, protesting the closure of her MA and FAP benefits. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the 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, R 400.3001 through R 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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

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. The Department generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. BAM 210, p. 5. The packet is sent to the mailing address in the system. BAM 210, p. 5. The packet is sent to the physical address when there is no mailing address. BAM 210, p. 5. Redetermination/review forms may include a DHS-1010, Redetermination. BAM 210, p. 5.

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.

Additionally, a FAP client must also complete a phone interview. BAM 210, p. 3. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. BAM 210, p. 9. The individual interviewed may be the client, the client's spouse, any other responsible member of the group or the client's authorized representative. BAM 210, p. 3. If the client misses the interview, [the Department] sends a DHS-254, Notice of Missed Interview. BAM 210, p. 3. FAP 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. For FAP cases, if the redetermination packet is not logged in by the last working day of the redetermination month, the Department automatically closes the EDG. BAM 210, p. 9. A DHS-1605, Notice of Case Action, is not generated. BAM 210, p. 9.

In this case, Claimant was an ongoing recipient of FAP and MA benefits. See Exhibit 1. The Department testified that it sent Claimant a redetermination packet on April 15, 2013, which was due back by May 2, 2013. Also, the Department sent Claimant a Redetermination Telephone Interview letter, which was scheduled on May 2, 2013. Exhibit 1. On May 2, 2013, the Department sent Claimant a Notice of Missed Interview. Exhibit 1. The benefit period ended for both the MA and FAP programs on May 31, 2013. The Department never received the redetermination packet from the Claimant before the end of the benefit period. On May 17, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits would close effective June 1, 2013, ongoing, due to her failure to submit a redetermination packet. Exhibit 1. Claimant's FAP benefits closed effective June 1, 2013, ongoing, due to her failure to submit a redetermination packet before the end of the benefit period. See BAM 210, p. 9 (a DHS-1605, Notice of Case Action, is not generated for failure to submit a FAP redetermination).

At the hearing, Claimant testified she only received the Redetermination Telephone Interview letter dated April 15, 2013. Claimant testified that she did not receive any redetermination packet. The Department testified that it did send a redetermination packet on April 15, 2013. The Department did not provide a copy of the redetermination packet at the hearing or a correspondence summary establishing the redetermination was mailed. Also, on May 2, 2013, Claimant testified that she never received a telephone call interview from the Department. On May 3, 2013, Claimant testified that she contacted the Department and left a voicemail for her caseworker regarding the missed telephone interview. Claimant never received any contact back from the Department.

Based on the foregoing information and evidence, the Department improperly closed Claimant's FAP and MA benefits. Claimant credibly testified that she only received the Redetermination Telephone Interview letter on April 15, 2013 and that she did not

receive any redetermination packet. The Department failed to present the redetermination packet at the hearing. Claimant also credibly testified that she left a voicemail for her caseworker regarding the missed telephone interview and never received a phone call back. The Department failed to send Claimant a redetermination packet as required per BAM 210. BAM 210, p. 5. Thus, the Department did not act in accordance with Department policy when it closed Claimant's FAP and MA benefits due to Claimant's failure to submit the redetermination packet effective June 1, 2013, ongoing. BAM 210, pp. 1-9.

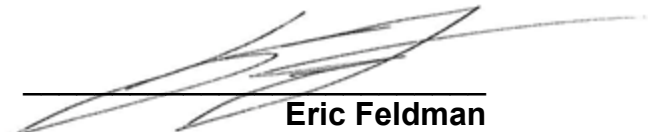
DECISION AND ORDER

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 did not act properly when it closed Claimant's FAP and MA benefits effective June 1, 2013, ongoing.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FAP and MA benefits as of June 1, 2013, ongoing;
2. Initiate redetermination of Claimant's FAP and MA benefits;
3. Begin recalculating the FAP and MA budget for June 1, 2013, ongoing, in accordance with Department policy;
4. Issue supplements to Claimant for any FAP and MA benefits she was eligible to receive but did not from June 1, 2013, ongoing; and
5. Notify Claimant of its FAP and MA decision in accordance with Department policy.


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

Date Signed: July 17, 2013

Date Mailed: July 17, 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 affect the substantial rights of the claimant,
 - 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]
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[REDACTED]
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