

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

IN THE MATTER OF:

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

Reg. No.: 2013-53967
Issue No.: 1000; 2006; 3008; 4000
Case No.: ██████████
Hearing Date: July 24, 2013
County: Wayne (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 July 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ es, Eligibility Specialist, and ██████████ Assistant Payment Supervisor.

ISSUES

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

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

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.
2. On March 12, 2013, the Department sent Claimant a Redetermination (DHS-1010), which was due back by April 4, 2013. Exhibit 1.
3. On April 4, 2013, Claimant was also scheduled for a telephone interview. See Exhibit 1.

4. On April 4, 2013, the Department did not contact the Claimant for the telephone interview due the redetermination packet not being submitted by Claimant.
5. On April 4, 2013, the Department sent Claimant a Notice of Missed Interview letter. Exhibit 1.
6. Claimant never submitted a redetermination packet by the close of the April 30, 2013 benefit period.
7. On May 1, 2013, ongoing, Claimant's FAP benefits closed due to Claimant's failure to submit a redetermination packet.
8. On May 20, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits would be closed effective July 1, 2013, ongoing, due to Claimant's failure to submit a redetermination packet. Exhibit 1.
9. On June 20, 2013, Claimant filed a hearing request, protesting his FIP/SDA, 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 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 Mich Admin Code, R 400.3101 through R 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, 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.

As a preliminary matter, Claimant's June 20, 2013 hearing request is also disputing his FIP/SDA benefits. However, the Department testified that Claimant never had active

cash assistance, which Claimant agreed. Thus, pursuant to Mich Admin Rule 400.906(1), Claimant's FIP/SDA hearing request is hereby DISMISSED.

In this case, Claimant was an ongoing recipient of FAP and MA benefits. On March 12, 2013, the Department sent Claimant a Redetermination (DHS-1010), which was due back by April 4, 2013. Exhibit 1. On April 4, 2013, Claimant was also scheduled for a telephone interview. See Exhibit 1. On April 4, 2013, the Department did not contact the Claimant for the telephone interview due the redetermination packet not being submitted by Claimant. On April 4, 2013, the Department sent Claimant a Notice of Missed Interview letter. Exhibit 1. Claimant never submitted a redetermination packet by the close of the April 30, 2013 benefit period. On May 1, 2013, ongoing, Claimant's FAP benefits closed due to Claimant's failure to submit a redetermination packet. On May 20, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits would be closed effective July 1, 2013, ongoing, due to Claimant's failure to submit a redetermination packet. Exhibit 1.

If the individual indicates the existence of a disability that impairs their ability to gather verifications and information necessary to establish eligibility for benefits, offer to assist the individual in the gathering of such information. BAM 130 (May 2012), p. 1; see BAM 105 (March 2013), p. 10.

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. Moreover, MA cases do not require an in-person interview as a condition of eligibility. BAM 210, p. 3.

Additionally, a FAP client must also complete a phone interview. BAM 210, p. 3. To conduct the FAP interview, the Department obtains a complete redetermination/review packet from the client. BAM 210, p. 9. The Department will compare the redetermination/review document to the existing DHS-1171 or previous DHS-1010 and other case data. 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.

At the hearing, Claimant's spouse testified that she called the Department before the scheduled hearing on April 4, 2013 to notify the Department that her husband is in the hospital, however, that they will be ready for the phone interview. Claimant's spouse testified that the Claimant was in the hospital from [REDACTED] through [REDACTED].

[REDACTED] Claimant's spouse testified that they never received a call from the Department on April 4, 2013. Claimant's spouse testified that they called the Department the following day to inquire why the Department never called for the phone interview. Claimant and Claimant's spouse testified that they left multiple voicemails to the Department and never received any phone calls back. The Department testified that it never received any phone calls from the Claimant. However, the Department did state that it did not call for the phone interview due to never receiving a redetermination from the Claimant before the phone interview.

Based on the foregoing information and evidence, the Department improperly closed Claimant's FAP and MA benefits. Claimant and Claimant's spouse continuously contacted the Department seeking assistance and never received any response from the Department. Claimant and Claimant's spouse credibly testified that they contacted the Department before and after the scheduled hearing indicating Claimant is currently hospitalized. However, Claimant's spouse testified that they were prepared for the phone interview. The Department testified that it did not even contact the Claimant for the phone interview because it never received the redetermination. However, subsequent to the missed phone interview, the Department sent Claimant a Notice of Missed Interview. See Exhibit 1. Claimant was ready for the interview and the Department admitted that it did not call, thus the Notice of Missed Interview should have not been sent. The Department should have contacted the Claimant back based on their repeated phone calls seeking assistance. Additionally, Claimant gave notice to the Department that he was hospitalized and the Department should have assisted the Claimant in completing the necessary forms. BAM 130, p. 1.

In conclusion, the Department (i) improperly closed Claimant's FAP benefits effective May 1, 2013, ongoing, and (ii) improperly closed Claimant's MA benefits effective July 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 on the record, finds that the Department (i) improperly closed Claimant's FAP benefits effective May 1, 2013, ongoing, and (ii) improperly closed Claimant's MA benefits effective July 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 case as of May 1, 2013, ongoing;
2. Begin recalculating the FAP budget for May 1, 2013, ongoing, in accordance with Department policy;
3. Issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from May 1, 2013, ongoing;
4. Reinstate Claimant's MA case as of July 1, 2013, ongoing;
5. Begin recalculating the MA budget for July 1, 2013, ongoing, in accordance with Department policy;
6. Issue supplements to Claimant for any MA benefits he was eligible to receive but did not from July 1, 2013, ongoing; and
7. Notify Claimant in writing of its FAP and MA decision in accordance with Department policy.

Based on the above discussion, it is ALSO ORDERED that Claimant's FIP/SDA hearing request is DISMISSED pursuant to MAC R 400.906(1).



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

Date Signed: July 31, 2013

Date Mailed: July 31, 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:

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