

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201361627
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 29, 2013
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 August 29, 2013. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department of Human Services properly close Claimant's deductible Medical Assistance (MA) case on May 1, 2013?

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on June 1, 2013?

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 Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
2. On April 1, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her deductible Medical Assistance (MA) case was closing on May 1, 2013 because she had not met her deductible in the previous 3 months.

3. On April 30, 2013, Claimant was sent a Redetermination Form (DHS-1010) for her Food Assistance Program (FAP). Claimant's Food Assistance Program (FAP) was due for redetermination by May 31, 2013. The Redetermination Form (DHS-1010) was due back on May 16, 2013.
4. On May 16, 2013, the Department had not received the Redetermination Form (DHS-1010) and required verifications. Claimant was sent a Notice of Missed Appointment (DHS-254) form which stated that she needed to reschedule her interview before May 31, 2013 or her Food Assistance Program (FAP) redetermination would be denied.
5. On July 24, 2013, Claimant filed a hearing request.

CONCLUSIONS OF LAW

Department policies are found 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 1997 AACRS R 400.3001-3015

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

During this hearing it was determined that Claimant was going to submit a new Medical Assistance (MA) application and need not miss any Medical Assistance (MA) coverage she is otherwise eligible for. Claimant testified that she was unable to submit the Redetermination Form (DHS-1010) because she was in a rehabilitation facility from April 16, 2013, through June 14, 2013. Based on Claimant's description of the facility and Department of Human Services Bridges Eligibility Manual (BEM) 212 (2012) pages 2 & 6, it was determined that she was not eligible for Food Assistance Program (FAP) benefits at the time of her scheduled redetermination. A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing Claimant was informed of the decision and the reasoning behind the decision.

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 of Human Services properly closed Claimant's deductible Medical Assistance (MA) case on May 1, 2013 and her Food Assistance Program (FAP) on June 1, 2013.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/ _____
Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 08/30/2013

Date Mailed: 09/03/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request
If submitted by mail, the written request must be addressed as follows:
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

201361627/GFH

GFH/sw

cc:

