

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

IN THE MATTER OF:

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

Reg. No.: 2014-13543
Issue No(s): 2003; 3003
Case No.: ██████████
Hearing Date: January 8, 2014
County: Wayne (41)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 8, 2014, 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.

ISSUES

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

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective December 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 MA and FAP benefits. See Exhibit 1.
2. On October 15, 2013, the Department sent Claimant a redetermination, which was due back by November 1, 2013. See Exhibit 1.
3. On October 15, 2013, the Department also sent Claimant a redetermination telephone interview notification, which scheduled her for an appointment on November 1, 2013. See Exhibit 1.

4. On November 1, 2013, the Department sent Claimant a Notice of Missed Interview (DHS-254), which notified her to reschedule her interview before November 30, 2013 or her FAP redetermination will be denied. See Exhibit 1.
5. On November 1, 2013, Claimant contacted the Department regarding her scheduled interview.
6. On November 2, 2013, the Department contacted the Claimant and a telephone interview was conducted.
7. Claimant failed to submit a completed redetermination.
8. On November 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits were denied effective December 1, 2013, ongoing, due to her failure to submit the redetermination. See Exhibit 1.
9. Effective December 1, 2013, ongoing, Claimant's FAP benefits were closed due to her failure to submit a completed redetermination.
10. On November 19, 2013, Claimant filed a hearing request, protesting her FAP case closure and her MA closure/denial. See Exhibit 1.

CONCLUSIONS OF LAW

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

As a preliminary matter, on November 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her daughter's MA benefits closed effective December 1, 2013, ongoing, due to her failure to submit a completed redetermination. See Exhibit 1. However, it was discovered during the hearing that Claimant's daughter's MA benefits were reinstated. See Eligibility Summary, Exhibit 1. Thus, this hearing decision will not address Claimant's daughter's MA benefits.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

A complete redetermination is required at least every 12 months. BAM 210 (October 2013), p. 1.

For FAP 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. An interview is required before denying a redetermination even if it is clear from the DHS-1010/1171 or other sources that the group is ineligible. BAM 210, p. 3.

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. The Department does not require an in-person interview as a condition of eligibility. BAM 210, p. 4.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 10.

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. 10. A Notice of Case Action (DHS-1605) is not generated. BAM 210, p. 10. For MA cases, benefits are not automatically terminated for failure to record receipt of the redetermination packet. BAM 210, p. 10. BAM 210 further states how the Department completes the redetermination process. BAM 210, pp. 15-16.

In the present case, Claimant was an ongoing recipient of MA and FAP benefits. See Exhibit 1. On October 15, 2013, the Department sent Claimant a redetermination, which was due back by November 1, 2013. See Exhibit 1. On October 15, 2013, the Department also sent Claimant a redetermination telephone interview notification, which scheduled her for an appointment on November 1, 2013. See Exhibit 1. On November 1, 2013, the Department sent Claimant a Notice of Missed Interview (DHS-254), which notified her to reschedule her interview before November 30, 2013 or her FAP redetermination will be denied. See Exhibit 1. On November 1, 2013, Claimant contacted the Department regarding her scheduled interview. On November 2, 2013, the Department contacted the Claimant and a telephone interview was conducted. The Department testified that Claimant failed to submit a completed redetermination. Thus, on November 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits were denied effective December 1, 2013, ongoing, due to her failure to submit the redetermination. See Exhibit 1. Also, effective December 1, 2013, ongoing, Claimant's FAP benefits were closed due to her failure to submit a completed redetermination.

At the hearing, Claimant testified that she received the redetermination and completed it. Claimant testified that she submitted the redetermination at her local DHS office in late October 2013 and signed the logbook. During the hearing, the Department


retrieved the logbook and no submission was discovered by the Claimant in late October 2013. Nevertheless, Claimant testified that she submitted the completed redetermination to the Department.

Based on the foregoing information and evidence, the Department properly closed Claimant's FAP and MA benefits effective December 1, 2013, ongoing, in accordance with Department policy. Claimant testified that she submitted the redetermination at her local DHS office in late October 2013 and signed the logbook. During the hearing, the Department retrieved the logbook and no submission/signature was discovered by the Claimant in late October 2013. Based on this information, the Department presented credible testimony and evidence that the Claimant failed to submit a completed redetermination by the end of the benefit period (November 30, 2013). Claimant failed to complete the necessary forms in determining her ongoing FAP and MA eligibility. BAM 105, p. 6. Therefore, the Department properly closed her FAP and MA benefits effective December 1, 2013, ongoing because she failed to submit a redetermination before the benefit period ended on November 30, 2013. BAM 210, pp. 1-4.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it (i) properly denied Claimant's MA benefits effective December 1, 2013, ongoing; and (ii) properly closed Claimant's FAP benefits effective December 1, 2013, ongoing.

Accordingly, the Department's MA and FAP decision is AFFIRMED.



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

Date Signed: January 14, 2014

Date Mailed: January 14, 2014

NOTICE OF APPEAL: 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.

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).

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

EJF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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