

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

IN THE MATTER OF:



Reg. No.: 2014-14220
Issue No.: 2003; 3003
Case No.: [REDACTED]
Hearing Date: December 18, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 December 18, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility due to an alleged failure by Claimant to submit redetermination documents.

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 FAP and MA benefit recipient.
2. On various dates prior to [REDACTED] 13, Claimant reported an updated address to DHS.
3. DHS failed to update Claimant's reported residential address.
4. On [REDACTED]/13, DHS mailed Claimant a Redetermination (Exhibit 2-5) and Redetermination Telephone Interview (Exhibit 1) to Claimant's former address.

5. Claimant failed to return either redetermination form to DHS.
6. On [REDACTED]/13, DHS mailed a Notice of Missed Interview (Exhibits 6-7) to Claimant's old address.
7. Claimant did not respond to the Notice of Missed Interview.
8. Claimant's FAP eligibility expired beginning 11/2013.
9. On [REDACTED]/13, DHS mailed Claimant a Notice of Case Action (Exhibits 8-10) informing Claimant of an initiation of a termination of MA benefit eligibility, to be effective 12/2013.
10. On [REDACTED]/13, Claimant requested a hearing to dispute the termination of FAP benefits, effective 11/2013, and MA benefits, effective 12/2013.

CONCLUSIONS OF LAW

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

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

Claimant requested a hearing to dispute a termination of FAP and MA benefits. It was not disputed that DHS terminated Claimant's eligibility for both programs due to Claimant's failure to submit redetermination documents.

DHS must periodically redetermine an individual's eligibility for active programs. BAM 210 (7/2013), p. 1. A complete redetermination is required at least every 12 months. *Id.* The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. BAM 210 (5/2012), p. 5. For FAP benefit eligibility, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 3. If the client does not complete

the redetermination process, DHS is to allow the benefit period to expire. *Id.*, p. 2. For MA, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 2.

It was not disputed that DHS mailed Claimant on [REDACTED]/13 two redetermination forms- a Redetermination Telephone Interview Form (Exhibit 1) and a Redetermination (Exhibits 2-5). It was not disputed that Claimant failed to return either redetermination to DHS. It was also not disputed that DHS mailed Claimant a Notice of Missed Interview form on 10/1/13 warning of FAP benefit termination unless the redetermination forms were completed and returned. It was not disputed that DHS mailed Claimant a Notice of Case Action on [REDACTED] 13.

Claimant testified that he repeatedly reported an address changes to DHS prior to the DHS mailing of the redetermination. Claimant alleged that DHS failed to change his address resulting in Claimant not receiving any of the redetermination forms.

The presented redetermination forms listed an address different from the mailing address on Claimant's Notice of Hearing. Claimant testified that DHS finally updated his address after he requested a hearing. This evidence is consistent with Claimant's allegation that DHS failed to update his mailing address.

Claimant conceded that he received the Notice of Case Action dated [REDACTED]/13. As it happened, Claimant responded to the notice three days later by requesting a hearing using a form that is part of the notice attachment. DHS questioned how Claimant could receive mail sent to a supposedly obsolete address, but not other mail. Claimant testified that his old address was his mother's address and that she sometimes notifies him when he receives mail. Claimant could not explain why his mother did not notify him that she received previously sent DHS correspondence.

Claimant failed to provide any documentation verifying that he moved several months ago from the address listed on redetermination forms. Claimant's testimony was not verified but it was reasonable and not rebutted. DHS did not present testimony from Claimant's assigned specialist that Claimant failed to report a change in address.

DHS is to act on a change reported by means other than a tape match within 15 workdays after becoming aware of the change. BEM 220 (7/2013), p. 6. It is found that DHS failed to updated Claimant's address causing Claimant to not receive redetermination notices resulting in improper FAP and MA benefit terminations.

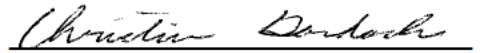
It was not disputed that DHS eventually updated Claimant's address and that Claimant submitted an Assistance Application to DHS on [REDACTED] 13. These events are factored in the below order.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FAP eligibility. It is ordered that DHS perform the following actions:

- (1) redetermine Claimant's FAP eligibility beginning [REDACTED]/13, based on information provided by Claimant's Assistance Application dated [REDACTED]/13;
- (2) redetermine Claimant's MA eligibility beginning [REDACTED]/13, based on information provided by Claimant's Assistance Application dated [REDACTED] 8/13;
- (3) supplement Claimant for any benefits improperly not issued.

The actions taken by DHS are **REVERSED**.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/26/2013

Date Mailed: 12/26/2013

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

CG/hw

cc:

