

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

IN THE MATTER OF:



Reg. No.: 2014-19029
Issue No.: 1003; 2003; 3003
Case No.: [REDACTED]
Hearing Date: January 21, 2014
County: Wayne (57)

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 January 21, 2014, 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), Family Independence Program (FIP) and Medical Assistance (MA) eligibility.

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 FIP, MA and FAP benefit recipient.
2. On [REDACTED]/13, DHS mailed Claimant a Redetermination concerning FAP, FIP, and MA benefits eligibility beginning 1/2014.
3. Claimant failed to return the Redetermination to DHS before the end of 12/2013.
4. On [REDACTED]/13, DHS initiated termination of Claimant's MA and FIP eligibility beginning 1/2014.

5. Claimant's FAP expired by the end of 12/2013.
6. On [REDACTED]/13, Claimant requested a hearing to dispute the termination of FAP, MA and FIP benefits.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131. 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 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, FIP and MA benefits. It was not disputed that Claimant's eligibility ended due to an alleged failure by Claimant to timely return a Redetermination.

DHS must periodically redetermine an individual's eligibility for active programs. BAM 210 (10/2013), p. 1. A complete redetermination is required at least every 12 months. *Id.* For all DHS programs, Bridges generates a redetermination packet to the client three days prior to the negative action cutoff date in the month before the redetermination is due. *Id.*

For all programs, Bridges (the DHS database) 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. *Id.*, p. 6. A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. *Id.*, p. 10. When a complete packet is received, DHS is to record the receipt in Bridges as soon as administratively possible. *Id.*

For FAP benefits, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 2. If the client does not complete the redetermination process, DHS is to allow the benefit period to expire. *Id.* For FIP benefits, if the redetermination packet is not logged in by the negative action cut-off date of the redetermination month, Bridges generates a DHS-1605, Notice of Case Action, and automatically closes the EDG. *Id.*, p. 10. 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.

Claimant's testimony implied that she received a redetermination packet from DHS but lost it. It was not disputed that Claimant failed to return a redetermination packet to DHS prior to the end of her benefit eligibility. Thus, it appears that DHS properly ended her benefit eligibility. Claimant stated that statements from her DHS specialist should be factored in determining whether a benefit termination was proper.


Claimant testified that she immediately contacted her specialist after receiving a letter warning of benefit termination. Claimant testified that she made the contact in an attempt to comply with redetermination requirements. It was not disputed that her specialist left a new redetermination packet at the DHS office front desk. Had Claimant returned the redetermination documents prior to the end of 12/2013, Claimant's benefit eligibility may have continued. Claimant testified that her specialist specifically warned Claimant not to return the documents to DHS prior to the end of 12/2013. Claimant's specialist denied advising Claimant as such. It is possible that Claimant's specialist improperly advised Claimant causing Claimant to fail to comply with her redetermination documents; it is not probable.

Claimant's allegation is simply not believable unless her specialist purposely intended to mislead Claimant. There is no known reason why Claimant would be advised to delay the submission of documents until it was too late for DHS to accept them. At the point that Claimant called DHS in 12/2013, Claimant had already misplaced the originally mailed redetermination documents. Leaving redetermination documents for Claimant to complete shows good faith by Claimant's specialist. It is improbable that Claimant's specialist would have followed-up her helpfulness with purposeful misinformation.

Based on the presented evidence, it is found that Claimant was not advised by her specialist to submit redetermination documents after the due date. Accordingly, DHS properly terminated Claimant's FAP, FIP, and MA eligibility due to Claimant's failure to timely return a Redetermination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP, FIP and MA benefit eligibility- all terminations to be effective 1/2014. The actions taken by DHS are **AFFIRMED**.



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

Date Signed: 1/30/2014

Date Mailed: 1/30/2014

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

CG/hw

cc:

