

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-21355
Issue No.: 1000, 2003, 3003
Case No.: [REDACTED]
Hearing Date: February 6, 2014
County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 February 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's mother. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) cases?

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.
2. On November 12, 2013, the Department sent Claimant a redetermination concerning her ongoing eligibility for MA and FAP benefits.
3. The redetermination was due on December 2, 2013, and a telephone interview was scheduled on December 2, 2013.
4. The Department did not receive a completed redetermination from Claimant.

5. On December 2, 2013, the Department sent Claimant a Notice of Missed Interview advising her that if she did not complete her redetermination interview, her FAP case would close on December 31, 2013.
6. On December 13, 2013, the Department sent Claimant a Notice of Case Action informing her that the MA cases for her and her children were closing effective January 1, 2014, because she had failed to complete a redetermination.
7. On January 7, 2014, Claimant filed a request for hearing concerning her FAP, MA and cash assistance cases.

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.

Additionally, Claimant requested a hearing concerning the closure of her FAP, MA and cash assistance cases. At the hearing, the Department established that Claimant had last received cash assistance under the Family Independence Program (FIP) in June 2012, and it had denied her subsequent application for FIP assistance in a December 13, 2012, Notice of Case Action. Claimant confirmed on the record that, while she was in the process of reapplying for FIP assistance, she had last received, or applied for, FIP in 2012. Because Claimant did not request a hearing concerning her FIP case and application within 90 days of the Department's 2012 actions concerning that program, Claimant's request for hearing regarding the 2012 closure of her FIP case and denial of her application was not timely and is dismissed. See BAM 600 (March 2014), p. 6. The hearing proceeded to address Claimant's concerns regarding the closure of her MA and FAP cases.

The Department explained that Claimant's MA and FAP cases closed because she had failed to submit a completed redetermination. 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 (October 2013), p. 1. A FAP client must also complete a phone interview. BAM 210, p. 3. FAP and MA 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.

In this case, the evidence established that Claimant received the redetermination, but, because she was dealing with significant personal issues, she failed to complete and return it to the Department in a timely manner. There was no evidence that Claimant contacted the Department to request assistance. Under these facts, where Claimant admitted she received but did not return the redetermination and she did not seek assistance from the Department, the Department acted in accordance with Department policy when it closed Claimant's FAP and MA cases for failure to submit a completed redetermination.

DECISION AND ORDER

Because Claimant did not timely request a hearing concerning her FIP case and application, her January 7, 2014, request for hearing concerning that program is DISMISSED.

The Department's MA and FAP decisions are AFFIRMED.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 10, 2014

Date Mailed: February 10, 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

ACE/pf

cc:

