

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201420771
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: February 4, 2014
County: Kent

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 4, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED] and FIM [REDACTED].

ISSUE

Did the Department of Human Services properly close Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) benefits on December 31, 2013 because she failed to submit a Redetermination Form (DHS-1010) and provide required verifications?

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 November 12, 2013 Claimant was sent a Redetermination Form (DHS-1010) for her Medical Assistance (MA) and Food Assistance Program (FAP). The Redetermination Form (DHS-1010) and verifications were due on December 2, 2013.
3. On December 2, 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 it was her responsibility to reschedule before December 31, 2013 or her application/redetermination would be denied.

4. On December 13, 2013, the Department sent Claimant a Notice of Case Action (DHS-1605) which stated her Medical Assistance (MA) would close on January 1, 2014.
5. On December 23, 2013, Claimant filed a hearing request about her Food Assistance Program (FAP).

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), 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.

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.

During this hearing Claimant testified that she did not turn in the Redetermination Form (DHS-1010) at all. Claimant testified that her mother passed away in November and she (Claimant) was so distracted that she overlooked turning in the paperwork.

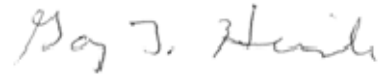
In this case Claimant's annual certification period for Medical Assistance (MA) and Food Assistance Program (FAP) ended on December 31, 2013. Federal law and Department of Human Services' policy require that an applicant's eligibility be fully determined before any assistance benefits are issued.

During the hearing Claimant became emotionally distraught and asserted she was not a liar. Claimant also implied that her benefits were ended because her mother died. The reason Claimant's benefits were not renewed on January 1, 2014, is because she did not provide the required information for DHS to comply with Federal law and determine if Claimant was still eligible for assistance.

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 closed Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) benefits on December 31, 2013 because she failed to submit a Redetermination Form (DHS-1010) and provide required verifications.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 02/10/2014

Date Mailed: 02/10/2014

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

GFH/sw

cc:

