

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014-23935
Issue No(s): 2004, 3003
Case No.: ██████████
Hearing Date: February 24, 2014
County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on February 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant ██████████ ██████████ Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████

ISSUES

1. Did the Department properly close Claimant's Food Assistance Program (FAP) case for failing to complete a redetermination?
2. Did the Department fail to process a request for Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On November 12, 2013, the Department issued a redetermination notice with a telephone appointment for December 3, 2013.
2. On December 3, 2013, the Department received the redetermination packet.
3. On December 3, 2013, the telephone interview did not occur.
4. On January 17, 2014, Claimant filed a hearing request.

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 Department issued a redetermination packet to Claimant on November 12, 2013. Claimant was expected to submit this paperwork prior to her telephone interview appointment scheduled for December 3, 2013. Claimant testified she had supplied the packet on December 2, 2013. The Department testified the records had not been submitted and, therefore, they did not call Claimant for the phone interview.

The Department pulled the customer drop-off log for the dates in question and discovered Claimant had signed the log and indicated she dropped off her redetermination. The Department agreed to process the redetermination for FAP benefits after discovering Claimant had signed the log. Claimant and her representative agreed to the Department processing the redetermination and supplementing Claimant for any loss in FAP benefits for which she would be otherwise eligible back to January 2014.

Claimant had indicated she had requested MA benefits as well when she submitted her FAP redetermination paperwork. Claimant presented no evidence to demonstrate a DHS-1171 was submitted with the redetermination paperwork requesting MA assistance. This Administrative Law Judge finds no basis to support an application was submitted for MA. Claimant indicated she had included medical papers with her redetermination paperwork but, again, was unable to provide any evidence a DHS-1171 had been submitted.

Based upon the above, this Administrative Law Judge finds no application for MA had been submitted to the Department. Therefore, the Department had no method to register a request for MA benefits. Therefore, the Department acted in accordance with policy in regards to the Claimant's request for hearing regarding MA benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to MA benefits and REVERSED IN PART with respect to FAP benefits.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Process Claimant's redetermination;
2. Supplement Claimant for any loss in FAP benefits if otherwise eligible back to January 2014;
3. Issue a notice of case action.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 5, 2014

Date Mailed: March 6, 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

2014-23935/JWO

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

JWO/pf

cc:

[REDACTED]
[REDACTED]
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