

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

IN THE MATTER OF:



Reg. No.: 2014-26239
Issue No(s): 2002; 3000
Case No.: [REDACTED]
Hearing Date: March 5, 2014
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 March 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Family Independence Case Manager.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) benefits effective January 1, 2014, ongoing?

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 benefits.
2. On October 14, 2013, the Department sent Claimant a New Hire Client Notice ("New Hire"), which was due back by October 24, 2013. See Exhibit 1.
3. Claimant failed to submit the New Hire by the due date.
4. On November 21, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits would close effective January 1, 2014, ongoing, due to her failure to submit the New Hire. See Exhibit 1.

5. On February 5, 2014, Claimant filed a hearing request, protesting her MA closure and Food Assistance Program (FAP) benefits. See Exhibit 1.

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.

Preliminary matters

First, Claimant also requested a hearing to dispute her FAP case closure. See Exhibit 1. However, during the hearing, it was discovered that Claimant's FAP benefits were reinstated. Claimant agreed and testified that she was no longer disputing her FAP case closure. Thus, Claimant's FAP hearing request is DISMISSED.

Second, Claimant also testified that she applied for MA benefits on February 6, 2014. Both parties agreed that Claimant's MA application was still pending. Claimant testified that she was protesting the Department's failure to process her application. However, Claimant's application is subsequent to this hearing request (February 5, 2014). See Exhibit 1. Thus, this hearing lacks the jurisdiction to address Claimant's dispute of the Department's failure to process her MA application dated February 6, 2014. See BAM 600 (March 2014), pp. 4-6. Claimant was notified to submit another hearing request to dispute the MA application dated February 6, 2014. See BAM 600, pp. 4-6.

MA closure

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it request. BAM 130 (July 2013), p. 6. If

the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times. BAM 130, p. 6. The Department sends a case action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 7.

The Department requests verification by generating a DHS-4635, New Hire Notice, from its system. BAM 807 (July 2013), p. 1. When a DHS-4635 is requested, the Department automatically gives the client 10 calendar days to provide verification from the date the forms were requested. BAM 807, p. 1.

If verifications are not returned by the 10th day, the case will close for a minimum of 30 days after appropriate actions are taken by the Department, unless client returns verifications. BAM 807, p. 2.

In this case, Claimant was an ongoing recipient of MA benefits. On October 14, 2013, the Department sent Claimant a New Hire, which was due back by October 24, 2013. See Exhibit 1. The Department testified that Claimant failed to submit the New Hire. On November 21, 2013, the Department sent Claimant a Notice of Case Action notifying her that her MA benefits would close effective January 1, 2014, ongoing, due to her failure to submit the New Hire. See Exhibit 1. It should be noted that the New Hire exhibit is filled out, however, that was completed by the Claimant during the hearing as it is dated March 5, 2014. See Exhibit 1.

At the hearing, Claimant testified that she received the New Hire; however, she stated it was submitted after the due date. Claimant testified that the employment listed on the New Hire was seasonal and her employment ended on November 28, 2013. Claimant testified that she brought the New Hire form to the local DHS office. Claimant further testified that she completed the form and stated that her employment ended. Claimant testified that she submitted the form late November 2013 and signed the logbook. During the hearing, the Department obtained the logbook for November and December 2013. Both parties reviewed November 2013 and discovered no submission by the Claimant. Moreover, Claimant then testified that she possibly submitted in December 2013, but her testimony indicated that she did not know the specific date. The Department testified that it reviewed December 2013 and discovered no submission as well.

Based on the foregoing information and evidence, the Department properly closed Claimant's MA benefits effective January 1, 2014, ongoing, in accordance with Department policy. It is found that Claimant failed to comply with the verifications requirements when she did not submit the New Hire by the due date. Claimant received the New Hire and testified that she submitted the verification after the due date. Moreover, Claimant testified that she submitted the New Hire at her local DHS office and signed the logbook. However, during the hearing, a review of the log book by both parties did not discover any submission of the New Hire as alleged by the Claimant. Moreover, Claimant provided contradictory testimony throughout the hearing as to the time period of when she submitted the documentation. Claimant testified that she


submitted it in late November 2013, then early November 2013, and then finally, in December 2013. Due to this contradictory testimony, Claimant did not provide credible testimony that she submitted the New Hire at the local DHS office. Nevertheless, the Department reviewed both November and December 2013 and discovered no such submission. Ultimately, the Claimant must cooperate with the local office in determining her ongoing MA eligibility, which includes the completion of necessary forms. BAM 105, p. 6. Because the Claimant failed to submit the New Hire by the verification due date, the Department acted in accordance with Department policy when it properly closed her MA benefits effective January 1, 2014, ongoing. BAM 105, p. 6; BAM 130, pp. 6-7; and BAM 807, pp. 1-2.

DECISION AND ORDER

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 properly closed Claimant's MA benefits effective January 1, 2014, ongoing.

Accordingly, the Department's MA decision is AFFIRMED.

IT IS ALSO ORDERED that Claimant's FAP hearing request (dated February 5, 2014) is **DISMISSED**.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 10, 2014

Date Mailed: March 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

EJF/tlf

cc:

