

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

IN THE MATTER OF:

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██████████████████
██

Reg. No.: 14 008061
Issue No(s): 3003
Case No.: ██████████
Hearing Date: August 27, 2014
County: Macomb (12)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 August 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included ██████████ Claimant's Authorized Hearing Representative/Husband. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) case for failure to complete the Redetermination?

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 FAP and MA recipient.
2. On June 2, 2014, the Department scheduled a telephone interview with Claimant for a Redetermination of Benefits.
3. Prior to the telephone interview, Claimant was required to return a completed Redetermination form to the Department.
4. Claimant failed to return the Redetermination prior to the telephone interview.

5. On June 2, 2014, the Department mailed Claimant a Notice of Missed Interview notifying her that if she did not contact the Department to reschedule the interview, her FAP and MA case would close on June 30, 2014.
6. The interview was not rescheduled and Claimant's FAP and MA cases closed.
7. On July 28, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Additionally, verifications are usually required at application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2014), p. 1. Claimant was an ongoing recipient of FAP benefits. As such, Claimant is required to complete a Redetermination form to allow the Department to determine continued eligibility for FAP benefits. The Department mailed Claimant the Redetermination form and scheduled a telephone interview for June 2, 2014. The Department testified that if the Redetermination form is not received prior to the date of the telephone interview, no telephone call is placed on the interview date. The Department stated that instead of placing the call, it sent Claimant a Notice of Missed Interview notifying Claimant that her FAP case would close if she did not reschedule the telephone interview prior to June 30, 2014.

Claimant's AHR testified that he received the Notice of Missed Interview and immediately attempted to contact the worker assigned to his wife's case. Claimant's AHR indicated that his wife does not read or speak English well. Claimant's AHR testified that he called the assigned worker on at least five occasions. Although he left a telephone message with identifying information and contact information, he never received a return call. As a result, no telephone interview was scheduled prior to June 30, 2014. It is found that reasonable attempts were made to reschedule the telephone interview prior to June 30, 2014 and as such the Department improperly closed Claimant's FAP case.

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 did not act in accordance with policy when it closed Claimant's FAP and MA cases for failure to complete the Redetermination process.

DECISION AND ORDER

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

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. Reinstate Claimant's FAP benefits effective July 1, 2014;
2. Issue supplements for FAP benefits Claimant was eligible to receive but did not effective July 1, 2014;
3. Reinstate Claimant's MA benefits effective July 1, 2014; and
4. Issue supplements for MA benefits that Claimant was eligible to receive but did not effective July 1, 2014.



JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 4, 2014

Date Mailed: September 4, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

JAM/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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