

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

IN THE MATTER OF:



Reg. No.: 14-000743
Issue No.: 2000;3003
Case No.: [REDACTED]
Hearing Date: MAY 8, 2014
County: OAKLAND-DISTRICT 2

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 May 8, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her Authorized Hearing Representative, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor and [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) benefits and close her Food Assistance Program (FAP) case based on a failure to complete a 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 recipient of FAP and MA benefits.
2. There was no negative action taken with respect to Claimant's MA benefits.
3. On January 14, 2014, the Department sent Claimant a Redetermination for her FAP case that was to be completed and returned to the Department by February 5, 2014. (Exhibit 1)
4. On February 5, 2014, the Department sent Claimant a Notice of Missed Interview informing her that she had until February 28, 2014, to complete the

Redetermination and reschedule her interview or her benefits would be denied.
(Exhibit 2)

5. The Department closed Claimant's FAP case effective March 1, 2014, based on a failure to complete a redetermination.
6. On April 1, 2014, Claimant submitted a hearing request 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).

MA

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The hearing was requested to dispute the Department's action taken with respect to Claimant's Medical Assistance (MA) benefits. Shortly after commencement of the hearing, Claimant and her AHR testified that they understand and are satisfied with the actions taken by the Department and that there remained no issues to address with respect to Claimant's MA benefits. Claimant's AHR confirmed that she did not wish to proceed with the hearing concerning MA. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing is, hereby, **DISMISSED**.

FAP

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, the Department must periodically re-determine an individual's eligibility for active programs. The redetermination process includes a thorough review of all

eligibility factors. BAM 210 (October 2013), p 1. A FAP client must also complete a phone interview. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 3-4. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. FAP 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. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.10.

In this case, on January 14, 2014, the Department sent Claimant a Redetermination for her FAP case that was to be completed and returned to the Department by February 5, 2014. A FAP Redetermination Interview was also scheduled for February 5, 2014. (Exhibit 1). The Department stated that after sending Claimant a Notice of Missed Interview, it was informed by Claimant that she had not received the Redetermination originally sent on January 14, 2014, so a second copy of the Redetermination packet was sent to Claimant.

The Department testified that on February 18, 2014, Claimant submitted a completed shelter verification form as well as pages three and four of her Redetermination. (Exhibit 4). The Department stated that because the Redetermination submitted by Claimant was missing the first two pages, it was incomplete and could not be processed. The Department testified that because it did not receive a completed redetermination form from Claimant by the end of the FAP certification period on February 28, 2014, it was unable to certify a new FAP benefit period and Claimant's FAP case automatically closed.

At the hearing, Claimant stated that although she did not receive the Redetermination packet the first time it was sent, she confirmed receiving the four page Redetermination at a later date. Claimant also confirmed that she submitted the shelter verification form along with some pages of the Redetermination on February 18, 2014; however, Claimant could not recall whether or not she submitted the first two pages that the Department stated were missing. Claimant further testified that on March 11, 2014, her employer submitted verification of her income. (Exhibit 5). A review of the evidence establishes that as of March 11, 2014, the Department had already closed Claimant's FAP case and the verifications that were submitted on March 11, 2014, were no longer relevant or necessary.

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 because the Department did not receive a completed redetermination by the end of the certification period, the Department acted in accordance with Department policy when it closed Claimant's FAP case. Claimant is informed that she was entitled to submit a new application for FAP benefits and have her eligibility determined.

DECISION AND ORDER

Accordingly, Claimant's hearing request with respect to MA is DISMISSED and the Department's FAP decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/14/2014**

Date Mailed: **5/14/2014**

ZB / tlf

cc:

