

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

IN THE MATTER OF:



Reg. No.: 2014 21756
Issue No(s): 3002, 2002
Case No.: [REDACTED]
Hearing Date: February 6, 2014
County: Oakland County 02

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 6, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close the Claimant's Food Assistance and Claimant's son's Medical Assistance 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. The Department issued a Notice of Case Action dated 11/16/13 closing the Claimant's son's Medical Assistance and approving the Claimant for Medical Assistance effective 12/1/13. The Department conceded that this Notice was in error as the Claimant's son, [REDACTED], should have been approved not the Claimant. Exhibit 1
2. The Claimant provided a redetermination packet to the Department on November 20, 2013.
3. The Department did complete a redetermination interview.

4. On December 23, 2013 the Department closed the Claimant's FAP case effective January 1, 2013 for failure to complete a redetermination interview requirement. Exhibit 2
5. The Claimant requested a hearing on December 31, 2013 protesting the closure of her son's Medical Assistance and closure for the Food Assistance case.

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.

Additionally, in this case the Department conceded an error when it issued its Notice of Case Action dated 11/16/13 which reinstated the Claimant for medical assistance instead of her son, [REDACTED] effective 10/1/13. Exhibit 1. The Claimant had not applied for Medical Assistance, the redetermination also only considered review of her son's medical assistance. The Department closed the Claimant's son's medical assistance effective December 1, 2013. Exhibit 2. The Claimant provided the redetermination packet to the Department on November 20, 2013. At some point prior to the Closure of the Claimant's FAP and son's Medical Assistance the Department completed a redetermination interview. The Claimant's FAP case closed on 1/1/14 for failure to complete an interview. The Department also confirmed and conceded that the FAP closure on 1/1/14 was also an error. Exhibit 2 .

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 Department policy when it closed the Claimant's son's Medical Assistance for failure to verify information.

failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed the Claimant's Food Assistance for failure to complete an interview.

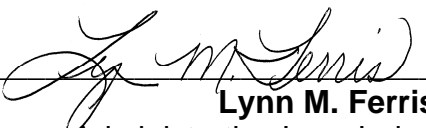
DECISION AND ORDER

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. The Department shall reinstate the Claimant's Food Assistance retroactive to December 1, 2013 and shall issue a supplement to the Claimant for any FAP benefits she was otherwise entitled to receive in accordance with Department policy.
2. The Department shall reinstate the [REDACTED], Claimant's son's Medical Assistance retroactive to the date of closure 12/1/13 based upon the Notice of Case Action dated 11/16/13.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 14, 2014

Date Mailed: February 14, 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

LMF/tif

cc:

