

**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.: 2014-8239
Issue No(s): 1003;3003
Case No.: ██████████
Hearing Date: November 27, 2013
County: Wayne (18)

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 November 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, JET Case Worker and ██████████, Family Independence Manager.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) cases 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 FIP and FAP benefits.
2. On August 13, 2013, the Department sent Claimant a Redetermination that was to be completed and returned by September 4, 2013. (Exhibit 2)
3. A Redetermination interview was scheduled for September 4, 2013. (Exhibit 2)
4. On September 4, 2013, the Department sent Claimant a Notice of Missed Interview informing her that she had until September 30, 2013, to reschedule her Redetermination interview or her case would be closed. (Exhibit 3)

5. Claimant's FAP case closed effective October 1, 2013, based on a failure to complete a redetermination.
6. On October 19, 2013, the Department sent Claimant a Notice of Case Action informing her that effective November 1, 2013, her FIP case would be closed based on a failure to complete a redetermination. (Exhibit 4)
7. On October 25, 2013, 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).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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.

Additionally, the Department must periodically redetermine 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 client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210, p. 1. For FIP and FAP clients, an interview must also be completed at redetermination. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 3-5. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. BAM 210, p 11. 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. For FAP cases, 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. For FIP cases, if the redetermination is not logged in by the negative action cut off date of the redetermination month, the Department will send a Notice of Cases Action informing clients of the case closure. BAM 210, p. 10.

In this case, the Department testified that because it did not receive a completed redetermination from Claimant by the end of the certification period on September 30, 2013, it was not able to certify a new FAP benefit period and Claimant's FAP case automatically closed without a Notice of Case Action being generated. The Department testified that it received no communication from Claimant regarding the Notice of Missed Interview and that Claimant made no attempts to reschedule the interview. The Department stated that it sent Claimant a Notice of Case Action on October 19, 2013, informing her of the FIP case closure effective November 1, 2013. (Exhibit 4).

At the hearing, Claimant stated that she did not receive the redetermination or the Notice of Missed Interview, which is why she did not respond. Claimant testified that she became aware that her cases were closed after she received the Notice of Case Action on October 19, 2013, and that she contacted the Department on that day to let her case worker know that she never received the redetermination. Claimant stated that she was informed that her case worker would resend the redetermination so Claimant could complete it but that her worker never sent it.

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). Claimant confirmed that the address the redetermination and Notice of Missed Interview were sent to was her correct mailing address. Claimant also stated that she did not report any problems with receiving mail to the Department. Additionally, Claimant did receive the Notice of Case Action and subsequent to the case closure, Claimant confirmed that she received an application booklet that was mailed to her by the Department. Therefore, Claimant has not presented sufficient evidence to rebut the presumption that she received the redetermination and the Notice of Missed Interview.

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 because Claimant did not complete the redetermination, the Department acted in accordance with Department policy when it closed Claimant's FIP and FAP cases.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: December 3, 2013

Date Mailed: December 3, 2013

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

ZB/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]