

**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.: 15-000286
Issue No.: 2003; 3003
Case No.: ██████████
Hearing Date: February 4, 2015
County: WAYNE-DISTRICT 57
(CONNER)

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 February 4, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Eligibility Specialist; and ██████████, Family Independence Manager

ISSUES

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective November 1, 2014?

Did the Department properly close Claimant and her group member's Medical Assistance (MA) benefits effective December 1, 2014?

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. On September 16, 2014, the Department sent Claimant a Redetermination (redetermination) to review her eligibility for the MA and FAP programs and it was due back by October 3, 2014. See Exhibit 1, pp. 4-9.

3. On September 16, 2014, the Department sent Claimant a Redetermination Telephone Interview (DHS-574), which scheduled a telephone interview on October 3, 2014. See Exhibit 1, p. 3.
4. At the end of September 2014, Claimant alleged that she mailed a completed redetermination to the Department.
5. On October 3, 2014, the Department sent Claimant a Notice of Missed Interview (DHS-254), which stated it is her responsibility to reschedule the interview before December 31, 2014, or her redetermination will be denied. See Exhibit 1, p. 10. The Department indicated the interview date should have been completed by October 31, 2014 (Department error). Claimant indicated she never received the Notice of Missed Interview.
6. The Department never received a completed redetermination before the end of the benefit period (October 31, 2014). See Exhibit 1, p. 14.
7. Effective November 1, 2014, Claimant's FAP benefits closed due to her failure to submit the redetermination. For FAP cases, a DHS-1605 (Notice of Case Action) is not generated. BAM 210 (July 2014 and October 2014), p. 11.
8. On November 15, 2014, the Department sent Claimant a Health Care Coverage Determination Notice (determination notice) notifying her that her and her group member's MA benefits would close effective December 1, 2014, ongoing, for failure to submit a completed redetermination. See Exhibit 1, pp. 11-13.
9. On January 7, 2015, Claimant filed a hearing request, protesting her FAP and MA case closures. See Exhibit 1, p. 2.

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.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (April 2014 and October 2014), p. 7. This includes completion of necessary forms. BAM 105, p. 7.

A complete redetermination is required at least every 12 months. BAM 210 (July 2014), p. 1.

For FAP cases, 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 client does not begin the redetermination process, the Department allows the benefit period to expire. BAM 210, p. 2. An interview is required before denying a redetermination even if it is clear from the DHS-1010/1171 or other sources that the group is ineligible. BAM 210, p. 3. The individual interviewed may be the client, the client's spouse, any other responsible member of the group or the client's authorized representative. BAM 210, p. 4. If the client misses the interview, the Department sends a DHS-254, Notice of Missed Interview. BAM 210, p. 4.

For MA cases, 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.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 10.

For FAP cases, if the redetermination packet is not logged in by the last working day of the redetermination month, the Department automatically closes the Eligibility Determination Group (EDG). BAM 210, p. 11. A DHS-1605 (Notice of Case Action) is not generated. BAM 210, p. 11. For MA cases, benefits are not automatically terminated for failure to record receipt of the redetermination packet. BAM 210, p. 10.

In this case, Claimant was an ongoing recipient of FAP and MA benefits. Claimant acknowledged that she received the redetermination and testified that she mailed the completed redetermination with the self-addressed envelope to the Department around the end of September 2014. The Department testified that it never received the redetermination before the end of the benefit period (October 31, 2014). In fact, the Department presented Claimant's Electronic Case File (ECF), which showed no submission of a redetermination in September 2014. See Exhibit 1, p. 14.

Claimant testified that she did not receive a telephone appointment call on October 3, 2014. See Exhibit 1, p. 4. Claimant testified that she attempted to call and left voicemails for her DHS caseworker multiple times in October and November 2014, but

to no avail. The Department (Claimant's caseworker) testified that she would have responded to Claimant's voicemails if left. In regards to the Notice of Missed Interview, the Department testified that it was system error that indicated she had to schedule her interview by December 31, 2014. See Exhibit 1, p. 10. The Department testified that the form should have indicated contact before October 31, 2014 (end of the benefit period). Claimant testified that she never received the Notice of Missed Interview. Claimant testified that she had issues in receiving her mail if a different U.S. Postal Service worker would handle her route. Claimant testified that she notified that U.S. Post Office of this issue.

Based on the foregoing information and evidence, the Department properly closed Claimant's FAP and MA benefits in accordance with Department policy.

First, it is found that Claimant failed to rebut the presumption of proper mailing that she did not receive the Notice of Missed Interview dated October 3, 2014. The proper mailing and addressing of a letter creates a presumption of receipt which 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). The Department provided credible evidence that the Notice of Missed Interview was sent to Claimant's proper address. See Exhibit 1, p. 10. Moreover, Claimant's ECF document did not show the Department received any undeliverable mail from the USPS. See Exhibit 1, p. 14.


Second, the evidence presented that Claimant failed to submit the redetermination before the end of the benefit period (October 31, 2014). Claimant did not provide evidence that she mailed the completed redetermination to the Department by the end of October 2014. Moreover, the Department presented Claimant's ECF document, which showed no submission of a redetermination in September 2014 or October 2014. See Exhibit 1, p. 14. Even though Claimant indicated she contacted the Department, she must ultimately complete the necessary forms to determine her ongoing eligibility. BAM 105, p. 7. Because Claimant failed to submit a completed redetermination by the end of the benefit period (October 31, 2014), the Department acted in accordance with Department policy when it closed Claimant's FAP and MA benefits (and group member's MA benefits). BAM 130, p. 7 and See BAM 210, pp. 1-12.

Third, it is harmless error by the Department that the Notice of Missed Interview indicated the improper date to reschedule Claimant's interview. See Exhibit 1, p. 10. As stated above, the evidence presented that Claimant failed to submit the redetermination before the end of the benefit period. Policy states that to conduct an interview, the Department obtains a complete redetermination/review packet from the client. See BAM 210, p. 12. In this case, Claimant failed to submit the redetermination; therefore, the Department was unable to conduct such an interview.

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 (i) closed Claimant's FAP benefits effective November 1, 2014; and (ii) closed Claimant and her group member's MA benefits effective December 1, 2014.

Accordingly, the Department's FAP and MA decision is **AFFIRMED**.


Eric Feldman
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/12/2015**

Date Mailed: **2/12/2015**

EJF / cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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.

