

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 15-003392
Issue No.: 2000;3003
Case No.: ██████████
Hearing Date: April 06, 2015
County: Wayne-District 15 (Greydale)

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 April 6, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case and process her Medical Assistance (MA) benefits?

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 January 2, 2015, the Department sent Claimant a Semi-Annual Contact Report (semi-annual) that was to be completed and returned to the Department by February 1, 2015. (Exhibit A)
3. On February 4, 2015, the Department received Claimant's semi-annual.
4. On February 10, 2015, the Department sent Claimant a Notice of Potential FAP Closure informing her that effective February 28, 2015, her FAP case will be closed because she had not returned the semi-annual or required information. (Exhibit B)

5. On or around February 25, 2015, Claimant had a meeting with her Department worker, during which Claimant provided the Department with bank statements detailing direct deposits of her net income. (Exhibit D)
6. During the meeting with the Department on February 25, 2015, the Department gave Claimant a Verification of Employment form that was to be completed and returned to the Department by March 9, 2015. (Exhibit C)
7. On February 25, 2015, Claimant requested a 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).

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 redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (July 2014), p 1. Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p.1. The Department will send a DHS 1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12 month benefits period. BAM 210, p.8. A report is considered complete when all of the sections are answered completely and all of the requested verifications are returned. BAM 210, p.9.

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 DHS-1046 is not logged in by the 10th day of the sixth month, Bridges will generate a DHS-1046A, Potential Food Assistance (FAP) Closure, to the client. This reminder notice explains that the client must return the DHS-1046 and all required verifications by the last day of the month, or the case will close. If the client fails to return a complete DHS-1046 by the last day of the sixth month, Bridges will automatically close the case, without sending a Notice of Case Action. BAM 210, p.11.

In this case, the Department stated that on February 5, 2015, it received Claimant's semi-annual, on which she reported that she had gained employment and that her income changed. The Department testified that because Claimant did not provide verification of her gross income with her semi-annual as required by policy, it sent Claimant a Notice of Potential FAP closure on February 10, 2015, informing her that she had until February 28, 2015, to complete the semi-annual process, submit the required information or her FAP case would close. (Exhibit B);BAM 210, p. 10. The Department testified that on February 25, 2015, a meeting was scheduled with Claimant, prior to which she was instructed to bring with her proof of her gross income. The Department stated that because Claimant provided a bank statement which only reflected the net income from a direct deposit, it gave her a Verification of Employment form that was to be completed and returned to the Department by March 9, 2015. (Exhibit C and Exhibit D). The Department testified that Claimant's FAP case was manually closed on March 10, 2015, because the requested information was not received and the Department did not certify a new benefit period. The Department stated that on March 15, 2015, it received the completed Verification of Employment form and the information needed, however, it was too late because Claimant's case was already closed.

At the hearing, Claimant stated that she was having difficulties obtaining her gross income and that she only had access to her net income. Claimant testified that on March 9, 2014, she provided the Department with some information concerning her income, however, the Department asserted that because the document did not have any identifying information such as name, address, company information, it was unacceptable. (Exhibit 1).

Under the facts in this case, because Claimant was provided with sufficient time to provide the Department with the requested information and failed to do so, 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 closed Claimant's FAP case on the basis that she failed to complete the semi-annual and return required information. Claimant was informed that she could submit a new application for FAP benefits at any time and have her eligibility determined.

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.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because [a] claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Mich Admin Code, R 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (January 2015), p. 6, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

MAHS may grant a hearing about a denial of an application and/or supplemental payments; reduction in the amount of program benefits or service; suspension or termination of program benefits or service; restrictions under which benefits or services are provided or delay of any action beyond the standards of promptness. BAM 600, pp.4-5.

In the present case, Claimant stated that she requested a hearing concerning her MA benefits because she thought that the Department was closing her MA case at the same time that her FAP case was closing. At the hearing, the Department testified that Claimant had active and ongoing MA benefits with no lapse in her coverage. Claimant confirmed that she had not received any notices from the Department concerning a closure of her MA benefits and stated that prior to requesting a hearing, there was no lapse in her coverage. Claimant also confirmed that there was no issue with her MA benefits that needed to be resolved.

Therefore, based on the evidence presented, there was no negative action taken by the Department with respect to Claimant's MA benefits and as such, Claimant's hearing request with respect to MA is DISMISSED for lack of jurisdiction.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/10/2015**

Date Mailed: **4/10/2015**

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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.

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:

