

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 15-006979  
Issue No.: 2002, 3002  
Case No.: [REDACTED]  
Hearing Date: June 11, 2015  
County: Cass

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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, telephone hearing was held on June 11, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], her father [REDACTED] and her attorney, [REDACTED]. Participants on behalf of the Department included [REDACTED], eligibility specialist, and [REDACTED], assistance payments supervisor.

**ISSUE**

Did the Department of Health and Human Services (Department) properly close the Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) 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. The Claimant was an ongoing Medical Assistance (MA) and Food Assistance Program (FAP) recipient.
2. On March 17, 2015, the Department sent the Claimant a Redetermination (DHS-1010) with a telephone appointment date of April 1, 2015.
3. On April 1, 2015, the Department sent the Claimant a Notice of Missed Interview (DHS-154).
4. On April 16, 2015, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of April 27, 2015.
5. On April 17, 2015, the Department notified the Claimant that it would close her Medical Assistance (MA) benefits.

6. On April 27, 2015, the Department received the Claimant's request for a hearing protesting the closure of her Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
7. On May 5, 2015, the Department sent the Claimant notice that it would close her Food Assistance Program (FAP) benefits.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (April 1, 2015), p 5.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (October 1, 2014), pp 1-9.

The Claimant was an ongoing Medical Assistance (MA) and Food Assistance Program (FAP) recipient when the Department initiated a routine review of her eligibility to receive continuing benefits. On March 17, 2015, the Department sent the Claimant a

Redetermination (DHS-1010) with a telephone appointment date of April 1, 2015. The Department had notified the Claimant that she would be interviewed by telephone on April 1, 2015. When the Claimant failed to participate in this telephone interview, on April 1, 2015, the Department sent her a Notice of Missed Interview (DHS-154). This notice placed the burden of rescheduling the interview before the end of the month. When the Claimant did not reschedule the interview with the Department, the Department notified her that it would close MA and FAP benefits effective May 1, 2015.

The Claimant's representative argued that the Claimant was willing to provide the Department with the information necessary to determine her eligibility for continuing benefits, but that problems with telephone service at her home prevented her from participating in the April 1, 2015, telephone interview.

The Department has presented substantial evidence that it gave the Claimant adequate and timely notice of the April 1, 2015, telephone interview. No evidence was presented on the record that the Claimant attempted to contact the Department on April 1, 2015, when the interview did not take place. No evidence was presented on the record that the Claimant attempted to reschedule the telephone interview before April 30, 2015.


The Claimant's representative argued that the Claimant suffers from severe and ongoing mental impairments that were a barrier to her completion of the Department's eligibility redetermination process.

The evidence on the record indicates that the Claimant has been an ongoing MA and FAP recipient without any payee or other representative on her case, and no evidence was presented supporting a finding that she was not capable of participating in the April 1, 2015, telephone 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 acted in accordance with Department policy when it closed the Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) benefits for failing to participate in the April 1, 2015, telephone interview.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

  
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Kevin Scully  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **6/15/2015**

Date Mailed: **6/15/2015**

KS/las

**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:

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 48909-8139

cc:

