

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-009733
Issue No.: 2000, 3003
Case No.: [REDACTED]
Hearing Date: July 13, 2015
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 13, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Michigan Department of Health and Human Services (MDHHS) included [REDACTED], specialist, and [REDACTED], manager.

ISSUE

The issue is whether MDHHS properly terminated Claimant's Food Assistance Program (FAP) eligibility due to a Claimant failure to timely return 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 FAP and Medical Assistance (MA) recipient.
2. On an unspecified date, MDHHS mailed Claimant a Redetermination along with instructions to return the Redetermination to MDHHS by an unspecified interview date.
3. Claimant failed to attend the FAP redetermination interview and to return the Redetermination to MDHHS by her interview date.
4. On an unspecified date, MDHHS mailed Claimant a Notice of Missed Interview informing Claimant to submit the Redetermination to MDHHS before [REDACTED], [REDACTED].

5. On [REDACTED], Claimant submitted the Redetermination to MDDHS.
6. Claimant's FAP eligibility expired at the end of April 2015.
7. On [REDACTED] Claimant requested a hearing to dispute the closure of her FAP eligibility and an alleged closure of MA eligibility.

CONCLUSIONS OF LAW

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. MDHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute a closure of MA benefits. MDHHS responded that Claimant's MA eligibility was never threatened or closed. Claimant testified that she did not receive a notice of MA closure and that she has received continuous MA eligibility. It is found that Claimant failed to establish a negative action to her MA eligibility. Claimant's hearing request will be dismissed concerning her MA benefit dispute.

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

Claimant requested a hearing, in part, to dispute a closure of FAP eligibility. It was not disputed that Claimant's FAP eligibility was scheduled for redetermination. It was also not disputed that Claimant failed to return a Redetermination form to MDHHS by her redetermination interview date. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210 (4/2015), p. 4.

The purpose of sending a Notice of Missed Interview is to inform the client that his or her FAP eligibility will expire unless an interview is held. The form also provides clients with a final deadline for submitting redetermination documents and scheduling an interview.

It was not disputed that MDHHS mailed Claimant a Notice of Missed Interview giving Claimant until [REDACTED], to submit her redetermination documents and to schedule an interview. MDHHS testimony expressed surprise that MDHHS documentation informed Claimant of a Redetermination submission deadline one full month after her FAP eligibility was scheduled to close. It was not disputed that Claimant submitted her Redetermination to MDHHS on [REDACTED] and contacted MDHHS on the same date for the purpose of completing a redetermination interview. MDHHS testimony conceded that Claimant's submission before the deadline stated on the Notice of Missed Interview justified reinstatement of Claimant's FAP eligibility. The MDHHS concessions were consistent with presented policy and facts.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that MDHHS did not take a negative action concerning Claimant's MA eligibility. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Claimant's FAP eligibility. It is ordered that MDHHS perform the following actions:

- (1) redetermine Claimant's FAP eligibility, effective May 2015, subject to the finding that Claimant timely submitted a redetermination and attempted to schedule an interview because she did so before the closure date stated on a Notice of Missed Interview; and
- (2) initiate a supplement of any benefits improperly not issued.

The actions taken by MDHHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/22/2015**

Date Mailed: **7/22/2015**

CG / hw

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

