

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-004037
Issue No.: 2003, 3003
Case No.: [REDACTED]
Hearing Date: April 21, 2015
County: Oakland (4) North Saginaw

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 21, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant, [REDACTED], mother and Authorized Hearing Representative, and [REDACTED] sister. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) and Medicaid (MA) cases based on a failure to return the Redetermination forms?

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 a recipient of FAP and MA.
2. On December 16, 2014, a Redetermination form for the FAP case was issued to Claimant to complete and return by January 6, 2015.
3. On January 13, 2015, a Redetermination form for the MA case was issued to Claimant to complete and return by February 2, 2015.
4. Effective February 1, 2015, Claimant's FAP case closed based on a failure to return the Redetermination form.

5. On February 13, 2015, a Healthcare Coverage Determination Notice was issued to Claimant stating the MA case would close effective March 1, 2015, based on a failure to return the Redetermination form.

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 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.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. BAM 105 (January 1, 2015), p. 8.

The Department of Human Services must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (July 1, 2014), p. 1.

For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. If the client does not begin the redetermination process, the Department is to allow the benefit period to expire. The redetermination process begins when the client files a DHS-1171, Assistance Application; DHS-1010, Redetermination; DHS-1171, Filing Form; DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210, p. 2.

For MA, benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. BAM 210, p. 2.

On December 16, 2014, a Redetermination form for the FAP case was issued to Claimant to complete and return by January 6, 2015. On January 13, 2015, a

Redetermination form for the MA case was issued to Claimant to complete and return by February 2, 2015. The Department asserted that Respondent did not return the DHS 1010 Redetermination forms. Effective February 1, 2015, Claimant's FAP case closed based on a failure to return the Redetermination form. On February 13, 2015, a Healthcare Coverage Determination Notice was issued to Claimant stating the MA case would close effective March 1, 2015, based on a failure to return the Redetermination form.

Claimant testified that the Redetermination forms were returned to the Department. Claimant explained that he moved from [REDACTED] to [REDACTED] on first of the year and changing caseworkers was new to him. Claimant went with his mother to a meeting with the Eligibility Specialist about her case. Claimant initially testified this meeting was around the first of the year. Claimant stated he had the completed Redetermination forms as well as bank statements with him. Claimant explained his situation to the Eligibility Specialist, who told Claimant that the case had to be transferred. Claimant testified that he gave the completed Redetermination paperwork and bank statements to the Eligibility Specialist at that time. However, Claimant's later testimony regarding when he first reported his change in address to the Department indicated the meeting with the Eligibility Specialist occurred around February 1, 2015.

Claimant's mother testified that she believed Claimant's Redetermination paperwork may have been included in the documentation she provided to the Eligibility Specialist for her case. Additionally, Claimant's mother recalled that around the time of the meeting, Claimant's prior Caseworker was notified of his move and the case was transferred within a week.

The Eligibility Specialist testified that Claimant was present for the meeting with Claimant's mother on February 2, 2015, but Claimant's Redetermination paperwork was not submitted at that time. The Eligibility Specialist explained that Claimant was listed as being in the home on Claimant's mother's application, it was discussed that the better route would be to have Claimant keep his own FAP case, and his case needed to be transferred to the new County. The Eligibility Specialist credibly testified he would have noticed if Claimant's Redetermination paperwork had been included in the documentation he received for Claimant's mother's case.

Overall, the evidence does not establish that Claimant returned the required MA Redetermination forms to the Department for the Redeterminations to be completed. Claimant's testimony cannot be found fully credible. For example, there was an inconsistency regarding the time frame for the meeting with the Eligibility Specialist during which the Redetermination paperwork was allegedly submitted. The evidence supports a finding that the meeting occurred on or about February 2, 2015. By this time, the FAP case had closed in accordance with the above cited BAM 210 policy. Further, Claimant testified he handed the paperwork to the Eligibility Specialist at the meeting. Yet Claimant's mother testified she believes Claimant's paperwork may have been included in the documentation submitted for her case at the meeting. However, the Eligibility Specialist credibly testified he did not receive Claimant's Redetermination

paperwork. Therefore, the closure of the MA case was also in accordance with the above cited BAM 210 policy.

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 and MA cases based on a failure to return the Redetermination forms.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **4/28/2015**

Date Mailed: **4/28/2015**

CL/jaf

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:

