

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-008189
Issue No.: 2002; 3002
Case No.: [REDACTED]
Hearing Date: July 07, 2015
County: Kent-District 1

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Tuesday, July 07, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Family Independence Manager (FIM).

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's Medical Assistant (MA) case and allow the Claimant's FAP case to end?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. The Claimant received FAP and MA benefits.
2. The Claimant was required to submit requested verification by March 2, 2015 for a redetermination application sent on February 10, 2015. Department Exhibit 3-8.
3. On March 2, 2015, the Department sent the Claimant a Notice of Missed Interview, DHS 254, because she missed her scheduled interview on March 2, 2015 for her to call her Department Caseworker to reschedule her interview before March 31, 2015 or her application would be denied. Department Exhibit 9.
4. On March 25, 2015, the Department Caseworker closed the Claimant's MA case manually because she failed to submit the redetermination packet to determine

continued eligibility. Department Exhibit 10. As a result, the Claimant did not receive a Notice of Case Action that her MA case was closed.

5. On March 31, 2015, the Claimant FAP benefits ended.
6. On May 20, 2015, the Claimant filed a hearing request, protesting the Department's action.

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), and Department of Human Services Reference Tables Manual (RFT).

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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Additionally, the Claimant was a recipient of FAP and MA. The Claimant was required to submit requested verification by March 2, 2015 for a redetermination application sent on February 10, 2015. Department Exhibit 3-8. On March 2, 2015, the Department sent the Claimant a Notice of Missed Interview, DHS 254, because she missed her scheduled interview on March 2, 2015 for her call her Department Caseworker to reschedule her interview before March 31, 2015 or her FAP case would be closed. Department Exhibit 9. On March 25, 2015, the Department Caseworker closed the Claimant's MA case manually because she failed to submit the redetermination packet to determine continued eligibility. Department Exhibit 10. As a result, the Claimant did not receive a Notice of Case Action that her MA case was closed. On March 31, 2015, the Claimant's FAP benefits ended. BEM 400 and 500. BAM 105, 115, 130, 200, 210, 220, and 600.

During the hearing, the Claimant stated that she did not know who to send her information to because her worker had changed. As a result, she did not send in her redetermination. The Claimant was told that it is her responsibility to turn in the required information to the Department and that the Department would make sure that it got to the correct worker. The Department did concede that the Claimant's MA case was improperly closed. Her MA case would be opened retroactive to May 2015 and the

Claimant would be given an opportunity to submit her redetermination application. She has subsequently reapplied for FAP.

The Department met their burden that the Claimant's FAP case properly ended and MA case was improperly closed. Her MA case would be opened retroactive to May 2015 and the Claimant would be given an opportunity to submit her redetermination application.

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 the Claimant's FAP case properly ended because she failed to submit her redetermination application and interview and MA case was improperly closed. Her MA case would be opened retroactive to May 2015 and the Claimant would be given an opportunity to submit her redetermination application for MA.

DECISION AND ORDER

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



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/8/2015**

Date Mailed: **7/8/2015**

CGF/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 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:

