



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 13, 2016
MAHS Docket No.: 16-002456

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner'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 7, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED], Assistance Payments Supervisor.

ISSUE

Did the Department properly close the Petitioner's Medial Assistance (MA) and Food Assistance Payments cases due to the Petitioner's failure to submit the Redetermination Application by the due date?

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 Petitioner was a recipient of FAP and MA.
2. On January 5, 2016, the Department Caseworker determined that the Petitioner was an unable to locate, which resulted in her FAP and MA case being closed. Department Exhibit 2-4.
3. On January 15, 2016, the Petitioner supplied a change of address, but only used her mailing address even though the question asked for physical address. The Petitioner stated that she was homeless. Department Exhibit 6-8.

4. On January 15, 2016, the Department sent the Petitioner an Appointment Notice, DHS 170, for an appointment on January 21, 2016 at 11 a.m. The Petitioner was a no call/no show for her appointment. Department Exhibit 13.
5. On January 26, 2016, the Department sent the Petitioner a Denial Notice, DHS 1605, because the Petitioner failed to provide the required verifications for continued FAP benefits effective March 1, 2016. Department exhibit 14-17.
6. On February 17, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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.

In this case, The Petitioner was a recipient of FAP and MA. On January 5, 2016, the Department Caseworker determined that the Petitioner was unable to locate, which resulted in her FAP and MA case being closed. Department Exhibit 2-4. On January 15, 2016, the Petitioner supplied a change of address, but only used her mailing address even though the question asked for physical address. The Petitioner stated that she was homeless. Department Exhibit 6-8. On January 15, 2016, the Department sent the Petitioner an Appointment Notice, DHS 170, for an appointment on January 21, 2016 at 11 a.m. The Petitioner was a no call/no show for her appointment. Department Exhibit 13. On January 26, 2016, the Department sent the Petitioner a Denial Notice, DHS 1605, because the Petitioner failed to provide the required verifications for continued FAP benefits effective March 1, 2016. Department exhibit 14-17. On February 17, 2016, the Department received a hearing request from

the Petitioner, contesting the Department's negative action. BEM 400. BAM 105, 115, 130, 200, 210, and 220.

During the hearing, the Department did not include in the hearing packet a copy of the Verification Checklist, DHS 3503, verifying that they had requested that the Petitioner provide proof of her physical address by a due date. The burden is on the Department to show that they followed Department policy. As a result, the Department did not meet their burden of proof. 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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it did not provide a copy of the Verification Checklist, DHS 3503, in the hearing packet, that was sent to the Petitioner asking her to provide written verification of her physical address as required by Department policy by the due date.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination of the Claimant's eligibility for FAP and MA retroactive to January 2016, by sending another Verification Checklist, DHS-3503, for the Petitioner to provide verification of her physical address.
2. Provide the Petitioner with written notification of the Department's revised eligibility determination.
3. Issue the Petitioner any retroactive benefits she/he may be eligible to receive, if any.

CF/db



Carmen G. Fahie

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the

request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]