

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-21208

Issue No: 2014; 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 9, 2009

St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 9, 2009.

ISSUES

- (1) Was the claimant's FAP application properly denied for a failure to attend a mandatory interview?
- (2) Was the claimant's Medicaid application properly denied for being over income?

FINDINGS OF FACT

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

- (1) Claimant applied for FAP and Medicaid on 2-18-09.
- (2) Claimant was scheduled for a mandatory in-person interview on 3-23-09.

- (3) Claimant did not attend that interview.
- (4) Claimant's MA application was processed as an AMP application by mistake.
- (5) Claimant is developmentally disabled.
- (6) Claimant's application was subsequently denied; the FAP was denied for failure to attend the interview; the MA was denied because claimant was over income for AMP.
- (7) On 4-24-09, claimant requested a hearing.
- (8) Claimant was represented at hearing by [REDACTED].
- (9) Subsequent to the hearing, it came out that claimant's MA was accidentally processed as an AMP application, due to inexperience with the new BRIDGES system.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative

Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

A DHS-1171, Assistance Application must be completed when eligibility is re-determined. PAM 210. An application is considered incomplete until it contains enough information to determine eligibility. PAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. PAM 130. All sources of income must be verified. PEM 500. For the purposes of FAP, an in-person interview is required, unless waived under certain circumstances. PAM 115.

In the current case, the Department denied the application because claimant did not attend his in-person interview, and because claimant was over income for the MA portion of his application.

However, subsequent to the hearing, it became undisputed that claimant's MA was denied because he was accidentally processed under the AMP program, which has a very low income limit. This was clearly a mistake, and thus, the Department should reprocess the Medicaid application.

With respect to the FAP portion of the application, while claimant is required to attend an in-person interview, the Department presented no evidence that claimant was ever sent a letter scheduling the interview. While the Department did present a date book showing that the interview was scheduled from their side, and a note that claimant was a no-call/no show, no evidence exists that claimant was sent a letter scheduling the appointment. Given the confusion surrounding the new BRIDGES case system, the undersigned believes that a mistake could have

been made. Furthermore, given the claimant's medical condition, the undersigned is of the belief that claimant may have had trouble understanding the interview notice even if he did receive it.

The undersigned sees no reason to penalize the claimant for a potentially innocent mistake from all parties involved, and thinks that the public interest is best served by simply reprocessing the entire application retroactive to the filing date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's MA and FAP application was incorrect.

Accordingly, the Department's decision in the above-stated matter is, hereby, REVERSED.

The Department is ORDERED to reprocess claimant's entire application of 2-18-09 retroactive to the filing date, seeking assistance from claimant's CMH caseworkers if the Department feels that this will better serve the client, given the circumstances involved in this case.

/s/ _____
Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 30, 2009

Date Mailed: June 30, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

RJC/cv

cc:

