

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: 2009-22100

Issue No: 2005; 3016

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 16, 2009

Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on June 16, 2009. Claimant personally appeared and testified along with her father.

ISSUE

Did the department correctly deny claimant's Medicaid (MA) and Food Assistance Program (FAP) application on April 29, 2009?

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 MA and FAP on March 30, 2009. On April 2, 2009, claimant was given a Verification Checklist, DHS-3503, asking for Proof of School Attendance form, Verification of Employment form, and shelter verification.

2. Claimant was also given a Verification Checklist, DHS-3503C, on April 2, 2009, according to the department, asking for proof of citizenship. Claimant denies receiving this form.

3. Claimant provided proof of her income on April 13, 2009, showing that she works 25 hours per week. Claimant failed to provide proof of citizenship and verification of school enrollment status.

4. On April 29, 2009, department mailed the claimant an Application Eligibility Notice denying her MA application due to her failure to provide proof of citizenship-birth certificate, and her FAP application due to her failure to provide verification of school enrollment form, unable to determine student status.

5. Claimant requested a hearing on May 6, 2009.

CONCLUSIONS OF LAW

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).

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).

Department's policy requires that citizenship be verified in order for a person to be eligible for full MA benefits. PEM 225. DHS-3503-C lists the documents that are acceptable as verification of citizenship. Claimant and her father testified that she was never given this form by the department, and was therefore not aware that proof of citizenship was needed. Claimant does not dispute that she was given DHS-3503 and this form is dated April 2, 2009, the same date as DHS-3503-C. This Administrative Law Judge finds no logical reason why the caseworker would place a copy of this form in claimant's case record and date it on the same date as DHS-3503 that was given to the claimant, without actually giving it to her. Conclusion is therefore that the DHS-3503-C was indeed given to the claimant, and that she failed to provide proof of citizenship needed for MA determination to the department within the time given her, by April 29, 2009, when her application was denied.

Department denied claimant's FAP application due to her failure to provide verification of her school enrollment form in order to determine her student status. Department's policy states that a person is in student status if they are age 18 through 49 and enrolled half-time or more in a vocational, trade, business or technical school that normally requires a high school diploma or an equivalency certificate, or regular curriculum at a college or university that offers degree programs regardless of whether a diploma is required. If a person is in student status, they must satisfy certain requirements in order to be eligible for FAP. PEM 245. Claimant indicates on her application that her date of birth is March 16, 1989, so she was 20 years of age at the time of her FAP application. Claimant also indicates on her application that she is enrolled at [REDACTED] full time. This information alone leads to the conclusion that the

claimant would be in student status. While the department did not have verification of claimant's school enrollment, she did provide her pay check stubs in a timely manner showing that she works 25 hours per week, fact not disputed by department's representative. One of the policy requirements is that a person in student status be employed for at least 20 hours per week and be paid for such employment in order to be eligible for FAP. Claimant would therefore be eligible for FAP benefits if she was or was not in student status, and her failure to provide verification of school enrollment would not be a sufficient reason to deny her FAP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA application, but incorrectly denied her FAP application.

Accordingly, department's action on claimant's MA application is AFFIRMED, but action on her FAP application is REVERSED. Department shall:

1. Process claimant's disputed March 30, 2009, FAP application and issue her any such benefits she is otherwise eligible for.
2. Notify the claimant of this determination in writing.

SO ORDERED.

/s/
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 23, 2009

Date Mailed: June 23, 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 mailing 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.

IR [REDACTED]

cc: [REDACTED]