

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: 2009-24811
Issue No: 3014, 2015,
2001

Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 16, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 conducted from Detroit, Michigan on July 16, 2009. The Claimant appeared and testified. Stephanie Grace, FIS Case Manager, appeared on behalf of the Department.

ISSUES

1. Whether the Department properly denied the Claimant's Food Assistance ("FAP") benefits.
2. Whether the Department properly closed the Medicaid ("MA") cases for claimant's two nieces living in the household.
3. Whether the Department properly denied the Claimant's Adult Medical Program ("AMP") application.

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 benefits and her two nieces living in the household were receiving FIP based MA benefits.
2. The Department scheduled an appointment for an annual review which Claimant missed due to a hospitalization.
3. The Department closed Claimant's FAP benefits on April 30, 2009.
4. On April 30, 2009, the Department also placed the MA benefits in negative action with an effective closure date of May 13, 2009.
5. Claimant presented to the Department office on May 11, 2009. On this date, the medical review was completed and the negative action for the MA benefits for the two nieces was deleted. A new FAP registration was also completed.
6. The Department received Claimant's hearing request on May 28, 2009.
7. On June 3, 2009, the Department issued an Application Eligibility Notice denying FAP benefits for group composition due to a mandatory group member, Claimant's 21 year old daughter who was residing in the home, having an active FIP/FAP case at another district office.
8. Claimant testified that her family members have since moved out of her home.
9. As a result, Claimant filed a new FAP application on June 29, 2009.
10. On the same date, Claimant also applied for AMP benefits.
11. The June 29, 2009 FAP application is still pending.
12. The Department denied Claimant benefits through the Adult Medical Program as there is a Department wide freeze on enrollment.

CONCLUSIONS OF LAW

The Food Assistance Program, 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”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

FAP benefits are paid based on an individual’s family group. The relationship of the people who live together affects whether they must be included or excluded from the group. People included in the group include spouses and children (natural, step and adopted) who purchase and prepare food together. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. PEM 212, p. 1.

In the subject case, Claimant’s 21 year old daughter was living in the household and was, therefore, a mandatory group member. This daughter had an active FIP/FAP case at another district office. All mandatory group members must be on one FAP case. Accordingly, the Department properly denied Claimant’s May 11, 2009 FAP application.

The Department testified that they explained this policy and advised Claimant of the need to add herself and the rest of the family onto the daughter’s active FAP case. Claimant testified that her family members have since moved out and, therefore, she reapplied for FAP benefits on June 26, 2009. This new FAP application is still pending.

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 (formerly known as the Family Independence Agency) 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).

Claimant's two nieces were receiving FIP related MA that was up for a medical review at the same time as Claimant's FAP benefits. A negative action notice for the MA benefits was issued with a closure date of May 13, 2009. However, because Claimant came into the Department office on May 11, 2009 and completed the medical review, the negative action was canceled and benefits were reinstated. As such, there is no longer any disputed issue regarding the FIP related MA for claimant's two nieces.

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Claimant also filed a medical assistance application for the Adult Medical Program which has been denied due to a freeze on enrollment for the AMP program. PEM 640. Claimant was encouraged to file an application for Medicaid benefits based upon disability in light of her testimony that she suffers from multiple medical impairments.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant's May 11, 2009 FAP application.

Accordingly, the Department's FAP eligibility determination is **AFFIRMED**.

/s/ _____
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/14/09

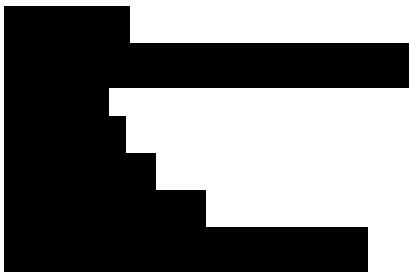
Date Mailed: 08/19/09

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.

JV/dj

cc:

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