

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES


ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No: 2010-10409
Issue No: 1010; 2012;
3012

Case No: 
Load No:
Hearing Date:
February 24, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 February 24, 2010. The Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) fail to process Claimant's application for Medicaid (MA), Family Independence Program (FIP) and State Emergency Relief (SER)?

FINDINGS OF FACT

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

1. On July 27, 2009, the Department received an application for the Claimant. The Department's sign in log indicates the Claimant dropped off said application.
2. On September 24, 2009, the Department received a request for hearing.

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) 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).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The State Emergency Relief (SER) program is established by 2004 PA 344. The

SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services policies are found in the State Emergency Relief Manual (SER).

In the present case, the Claimant testified she had applied for FIP, FAP, MA and SER on July 27, 2009. The Department testified no application was processed for that date. The sign-in logs were obtained and provided evidence that on July 27, 2009, the Claimant had in fact dropped off an application. The log had her name and signature and indicated she had submitted an application booklet. The Department asserted that this doesn't demonstrate an application was actually submitted but only that the Claimant had signed the log. This assertion is without merit since the Department has a sign-in log in place for the purpose of documenting who and what was dropped off. Here, the log can be used to demonstrate the Claimant was in the office and had submitted an application. The relevant policy can be found in BAM Item 105, p.1 and p. 11:

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do all of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

On the same day a person comes to the local office, he has the right to file an application and get local office help to provide the minimum information for filing.

An application or DHS-1171-F, Filing Document, must be registered if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant.
- Address of the applicant.
- Signature of the applicant/authorized representative.

Determine eligibility and benefit amounts for all requested programs. A DHS-1171 application for cash assistance (FIP/SDA) is an application for medical assistance (MA/AMP), even if medical assistance is **not** checked as a program being applied for on page 1 of the application.

SSI recipients, Title IV-E recipients, special needs adoption assistance recipients and Department wards are automatically eligible for current MA.

Review the effect on eligibility whenever the client reports a change in circumstances. Actions must be completed within the time period specified in PAM 220.

At application and redetermination, thoroughly review all eligibility factors in the case.

At application, redetermination, semi-annual contact and mid-cert contact, **all** available automated systems matches to see if income has started, stopped or changed (e.g. Consolidated Inquiry (CI), SOLQ, etc.).

Do not check automated systems matches for Healthy Kids.

Application and redeterminations must be completed within the standards of promptness.

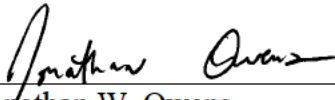
Document each determination of eligibility or ineligibility on the DHS-1171-C, Eligibility Determination and Certification, and inform the client of the decision.

The Claimant has proven an application was submitted and was not processed. The Department failed to process, determine, and notify Claimant's application for MA FIP, FAP and SDA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy when it failed to process Claimant's application.

Accordingly, the Department is REVERSED and ORDERED to determine eligibility for FIP, FAP, MA, and SER based on the original application dated July 27, 2009 and to supplement the Claimant for any loss in benefits if determined eligible.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services Date

Date Signed: 03/26/10

Date Mailed: 03/26/10

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.

JWO/dj

cc:

