

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: 2010-2680
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 12, 2009
Kalamazoo 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 November 12, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Adult Medical Program (AMP) application in October, 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 Food Assistance Program (FAP) and AMP on October 1, 2009.
2. Claimant is a resident of the [REDACTED] since his release from prison, and will be such until February, 2010. Department therefore denied

claimant's FAP application because he is considered incarcerated and resides in an institution where meals are provided.

3. Department also denied claimant's AMP application because there is a freeze on new enrollment at this time.

4. Both FAP and AMP application was denied on October 1, 2009. Claimant requested a hearing on October 12, 2009.

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 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 (DHS or department) 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 states at the onset of the hearing that he is not contesting the FAP denial, and this issue will therefore not be addressed.

AMP is available to individuals who meet all of the eligibility factors in departmental policy. BEM 640. However, in order for the department to determine if the claimant is eligible for AMP, an enrollment freeze cannot be in effect. Such freeze takes effect when funding for

AMP is exhausted during a particular fiscal year. AMP enrollment freeze took effect several months prior to claimant's AMP application and is still in effect. Department therefore cannot determine claimant's AMP eligibility and had no choice but to deny his application.

Claimant was advised to re-apply for AMP if and when enrollment freeze is lifted.

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 AMP application in October, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

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

Date Signed: November 23, 2009

Date Mailed: November 24, 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 

cc: 