

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201046106
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 7, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on July 19, 2010. After due notice, a telephone hearing was held on Tuesday, September 7, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

1. On June 18, 2010, the Claimant was an ongoing recipient of FAP and MA benefits when she submitted an application for benefits to add two children to her case.
2. On July 9, 2010, the Department attempted to add the two children to the Claimant's benefit case, but discovered that they were already on an active benefits case in another county.

3. On July 13, 2010, the Claimant brought her children to the Department's Kalamazoo County office to verify that they were living in the Claimant's household.
4. The Claimant's children were not removed from another person's active benefits case.
5. On July 19, 2010, the Department received the Claimant's request for a hearing protesting the Department's failure to add her children to her FAP and MA benefits case.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. BEM 212. The Department will re-evaluate the primary caretaker group status when a second caretaker applies for assistance for the same child. BEM 212.

The Claimant reported to the Department on June 18, 2010, that her children would be living with her for the summer and requested that the Department add them to her FAP and MA benefits cases. When the Department attempted to process the Claimant's request for benefits application, it discovered that the Claimant's children were already on an active FAP and MA benefits case in another county. On July 13, 2010, the Claimant brought her children to the Department's Kalamazoo County office to verify that they were living in the Claimant's household. The Claimant provided a signed statement from her church supporting her claim that the children were living in her household in Kalamazoo County. The Department did not add the Claimant's children to her FAP and MA benefits cases because they had not been removed from the active benefits case in another county.

The Department stipulated that the Claimant's children were members of her household when she applied for benefits on June 18, 2010. The Department agreed to redetermine the Claimant's eligibility for FAP and MA benefits effective June 18, 2010, the date she submitted her application for assistance adding her children to her benefits groups.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to add the Claimant's children to her benefits case in a timely manner.

Accordingly, the Department's FAP and MA eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for FAP and MA including the Claimant's two children listed on her application for assistance signed June 18, 2010.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 10, 2010

Date Mailed: September 13, 2010

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 60 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.

KS/vc

cc:

