

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.: 2010-9402
Issue No.: 2001/3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 5, 2010
Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing has held in Walled Lake, Michigan on Monday, April 5, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

1. Whether the Department properly processed the Claimant's Food Assistance ("FAP") application dated February 2, 2009?
2. Whether the Department properly terminated the Claimant's Adult Medical Program's benefits in January 2010 due to excess income?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking Food Assistance on February 2, 2009.

2. On April 15, 2009, the Department received another application seeking FAP and Medical Assistance benefits. (Exhibit 1, pp. 7 – 27)
3. The Claimant indicated that he lived alone and that he was not blind or disabled. (Exhibit 1, pp. 10, 17)
4. Based on an unemployment compensation report, the Claimant's unemployment compensation was ending the end of May 2009. (Exhibit 1, p. 28. 29)
5. The Department ran an MA budget and determined the Claimant was not eligible for benefits under the Adult Medical Program. ("AMP") for the months of April and May 2009 but was eligible effective June 2009. (Exhibit 1, pp. 30 – 39)
6. On August 4, 2009, the Department received the Claimant's request for hearing. (Exhibit 1, pp. 1, 2)
7. On January 14, 2010, the Department notified the Claimant that due to excess income, his AMP benefits would terminate effective February 1, 2010. (Exhibit 2)
8. On February 8, 2010, the Claimant began receiving FAP benefits.

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"), formerly 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").

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The DHS administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the PAM, PEM, and PRM. The Adult Medical Program (“AMP”) is part of the MA program. PEM 500

The standard of promptness (“SOP”) begins the date the department receives an application with the minimum required information. PAM 115 Expedited FAP benefits must be available to the group by the seventh calendar day after the application date. *Id.* The SOP for all other eligible FAP groups is 30 days. *Id.* Available means that the client(s) must have a Bridge card and access to benefits by the seventh day for expedited groups or the 30th day for all other eligible groups.

All countable earned and unearned income available to the client must be considered in determining the Claimant’s eligibility for program benefits. Unearned income, to include unemployment compensation benefits, means all income that is not earned income. PEM 500 Income eligibility for AMP exists when the program group’s net income does not exceed the program group’s AMP income limit. PEM 640 Currently, and at the time of application, the monthly AMP income limit is \$316 for an individual living independently. RFT 236

In the record presented, the Claimant submitted an application for FAP benefits on February 2, 2009. The application was not properly processed and the Claimant did not begin receiving food assistance until February of 2010. Under these facts, the Department’s actions are not upheld.

Regarding the MA benefits, according to the Claimant's application that he was not blind and/or disabled, the Department properly determined eligibility under the AMP program as opposed to the MA-P program. The Department established that it acted in accordance with Department policy when it found the Claimant eligible for AMP benefits effective June 2009 based on the fact that the Claimant's unemployment compensation was exhausted. Subsequently, when the Department discovered that the Claimant continued to receive unemployment compensation benefits due to an extension, the Department properly notified the Claimant that his AMP would terminate due to excess income. Ultimately, under these facts, 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's actions are REVERSED in part/AFFIRMED in part.

Accordingly, it is ORDERED:

1. The Department's failure to timely process the February 2, 2009 FAP application is REVERSED.
2. The Department shall reprocess the Claimant's February 2009 FAP application and notify the Claimant of the determination in accordance with department policy.
3. The Department shall supplement for any lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.
4. The Department's AMP determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/8/2010

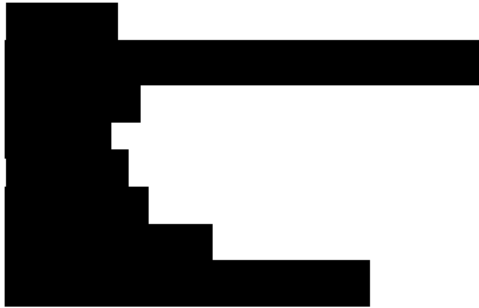
Date Mailed: 4/8/2010

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.

CMM/jlg

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