

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: 2010-1408
Issue No: 2001; 3008; 4013
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 20, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 January 20, 2010. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly deny Claimant's application for the Adult Medical Program (AMP)?
- (2) Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to failure to provide required documents?
- (3) Did the Department of Human Services properly deny Claimant's application for the State Disability Assistance (SDA)?

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 was an ongoing recipient of Adult Medical Program (AMP), Food Assistance Program (FAP). And State Disability Assistance (SDA) benefits. Claimant's case was due for review in June 2009.
- (2) On May 20, 2009, Claimant was sent a Redetermination Form (DHS-1010) which was due back to the Department on June 2, 2009.
- (3) On June 30, 2009, the Department had not received any information from Claimant. Claimant's Adult Medical Program (AMP) and State Disability Assistance (SDA) programs were closed. Claimant was sent a Verification Checklist (DHS Form 3503) requesting proof of identity and 30 days income for her Food Assistance Program (FAP) case. The required verifications were due back to the Department on July 7, 2009.
- (4) On July 7, 2009, Claimant an application for Medical Assistance (MA). Food Assistance Program (FAP), and State Disability Assistance (SDA) based on participation in Michigan Rehabilitative Services (MRS).
- (5) On August 13, 2009, Claimant submitted two, weekly pay check stubs.
- (6) On September 9, 2009, Claimant was sent a Notice of Case Action (DHS-1605) which stated her applications for Medical Assistance (MA) and State Disability Assistance (SDA) were denied and her Food Assistance Program (FAP) was closed.
- (7) On September 8, 2009, Claimant submitted a request for hearing on the September 9, 2009 Notice of Case Action (DHS-1605).

CONCLUSIONS OF LAW

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because Claimant's initial AMP case closed on June 30, 2009, her application was for any new opening in the program. The AMP program was closed to enrollment at the time of application. Claimant's AMP application was properly denied.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Claimant does not dispute that she only provided two weeks of income verification when 30 days was requested. Claimant testified the job was not going to last. When asked if she submitted verification that the job was going to end, Claimant testified that she did not. Department policy requires verification of income for a 30 day period before issuing Food Assistance Program (FAP) benefits. Claimant did not provide the required income verifications. The Department properly closed her Food Assistance Program (FAP) case.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case, Claimant reported a weekly gross income of \$148. In accordance with BEM 505 the reported weekly income is multiplied by 4.3 to get a monthly amount (\$636.40). BEM 518 directs that a \$200 disregard is made from earned income (\$463.60) and then an additional 20% is removed (\$87.28) to determine the net income (\$376.32) for determining financial eligibility for SDA benefits. Department Reference Table 255 shows that the maximum income amount for State Disability Assistance (SDA), for a single individual, is \$269. Claimant's net income exceeds the SDA payment standard. Claimant is not eligible for State Disability Assistance (SDA) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's application for the Adult Medical Program (AMP) and State Disability Assistance (SDA) and properly closed Claimant's Food Assistance Program (FAP) case.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 16, 2010

Date Mailed: February 18, 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.

GFH [REDACTED]

cc:

[REDACTED]