

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

IN THE MATTER OF:



Reg. No: 201053482

Issue No: 3019; 2024

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 4, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 October 4, 2010.

ISSUE

Was the claimant's FAP and MA application properly denied because claimant currently had a case open in the State of Arizona?

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 FAP and MA assistance in Wayne County on July 30, 2010.
- (2) Claimant moved to the State of Michigan in May 2010.
- (3) Claimant stated on his application that he currently had an active benefits case for FAP and MA in the State of Arizona.
- (4) DHS verified this information with the State of Arizona.

- (5) Claimant's Arizona benefits case closed on August 31, 2010.
- (6) Claimant's application for benefits was denied on August 2, 2010, for concurrent receipt of benefits.
- (7) Claimant requested a hearing on September 1, 2010.

CONCLUSIONS OF LAW

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) and the Bridges Reference Manual (BRM) and Reference Tables (RFT).

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 Bridges Reference Manual (BRM).

A person **cannot** receive FAP in more than one state for any month. BEM 222.

With regard to MA, the Department is to assume a MA or AMP applicant is **not** receiving medical benefits from another state unless evidence suggests otherwise. The Department cannot delay the MA/AMP determination. Upon approval, the Department must notify the other state's agency of the effective date of the client's medical coverage in Michigan. BEM 222.

With regard to claimant's FAP application, policy is clear. Claimant cannot receive FAP benefits from more than one state in a benefit month. Claimant, at the time of application, was receiving FAP benefits from the State of Arizona, as confirmed by the claimant himself. Claimant's FAP benefits from Arizona did not end until August 31, 2010. Therefore, the Department correctly denied claimant's FAP application.

However, with regard to MA benefits, the Administrative Law Judge notes that policy does not specifically preclude concurrent benefits. Policy states that the Department is to assume claimant is not receiving benefits from another state, unless evidence suggests otherwise. Furthermore, once the application is approved (if approval is granted), the Department is to notify the other State agency that claimant has been granted medical coverage in Michigan.

The phrasing of this clause, and the fact that BEM 222 does not specifically require a denial of a MA application because a benefit case is open in another state, leads the undersigned to believe that the Department erred in denying claimant's MA application.

The Department should have processed claimant's MA application and, if approved, notify the State of Arizona of claimant's MA coverage so the MA coverage could be closed in Arizona. Therefore, the undersigned must reverse the denial of claimant's MA request.

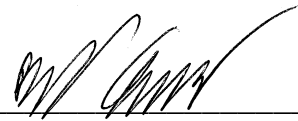
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct when it determined claimant was ineligible for FAP benefits. The Department was incorrect when it determined

claimant was ineligible for MA solely based upon the fact that claimant was currently receiving MA benefits from the State of Arizona.

Accordingly, the Department's decision in the above stated matter is, hereby, **AFFIRMED IN PART and REVERSED IN PART.**

The Department is **ORDERED** to process claimant's MA application of July 30, 2010 and examine all other eligibility factors, in accordance with the policy found in the Bridges Eligibility Manuals.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/13/10

Date Mailed: 10/15/10

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.

RJC/dj

cc:

