

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-13665
Issue No: 3019,4001,
2001

Case No: [REDACTED]
Hearing Date:
February 9, 2011
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 telephone hearing was conducted from Detroit, Michigan on February 9, 2011. Claimant appeared and testified. On behalf of Department of Human Services (DHS), Rodney Turner, ES and Kendra Hall, Medical Contact Worker appeared and testified.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance (FAP) case.

Whether the Department properly denied the Claimant's Adult Medical Program (AMP) application.

Did the Department fail to properly process the Claimant's application for 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. The Claimant applied for FAP and SDA and AMP on December 6, 2010, and the FAP case was opened that day.
2. The FAP case also closed the same day. The Department could not determine why the FAP case closed except to indicate that it was closed in Lansing, Michigan.
3. The Department never processed the Claimant's application for SDA.
4. The Department confirmed that SDA was crossed out on the front of the application.
5. The Claimant and the Department both testified that they did not cross out SDA.
6. The Claimant's caseworker did not recall the fact that the Claimant applied for SDA until he prepared the hearing summary and saw that SDA was crossed out on the application.
7. The Department's failure to process the application for SDA or to clarify the crossed out notation on the application was in error and requires the application be reinstated retroactive to the date of application and processed to determine the Claimant's eligibility for SDA.
8. The claimant had no income or assets at the time of the application and was deemed eligible for FAP.
9. The Claimant testified that he is currently on parole for felonious assault, was on probation but not in violation of probation, has not trafficked in food stamps, and was not convicted of a drug crime or in violation of probation.
10. The Adult Medical Program (AMP) was closed to new applicants thus the Department's denial of the Claimant's application for AMP was correct.

11. The Claimant requested a hearing on January 1, 2011, which was received January 18, 2011 by the Department protesting the denial of his Food Assistance and Cash assistance (SDA).

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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).

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 (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BPRM).

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 R400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM) and Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Department could not articulate the specific reasons why the Claimant's FAP case closed and thus it must be reinstated as no determination can be made as to why it was closed after the assigned case worker opened the case. It is also clear the Claimant did not fit any of the parameters requiring case closure due to Criminal Justice Disqualifications based on his sworn testimony at the hearing. BEM 203 Criminal Justice Disqualifications.

The AMP denial by the Department was correct as the Adult Medical Program was closed and frozen to new applicants at the time of the Claimant's application.

Lastly, the Claimant is entitled to reinstatement of the December 6, 2010 application which must be reprocessed to determine the Claimant's eligibility for State Disability Assistance. As both parties under oath testified that neither crossed out the SDA on the front of the application it must be reopened and processed as both parties testified credibly and thus no factual determination can be made.

Based on the foregoing facts and law it is found that the Department did not properly close the Claimant's FAP case and it must be reopened and reinstated and if the Claimant is eligible the Claimant's FAP benefits shall be supplement for any FAP benefits he was otherwise eligible to receive. The Department's closure of the Claimant's FAP case is REVERSED.

The Department's denial of the Claimant's AMP case is AFFIRMED as the AMP program was closed.

The Department is required to reinstate the Claimant's application and process the application for State Disability Assistance (SDA) as of the original application date of December 6, 2010.

DECISION AND ORDER

The action denying the Claimant's application for AMP is AFFIRMED.

The Department's action closing the Claimant's FAP case is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall reinstate the Claimant's FAP case retroactive to the date of closure, and shall issue a supplement for FAP benefits to the Claimant that he was otherwise eligible to receive during the closure period in accordance with Department policy.

The Department's failure to process the Claimant's application for State Disability Assistance is REVERSED. Accordingly it is ordered:

1. The Department shall reopen and reinstate the Claimant's application of December 6, 2010 and shall process the application for State Disability Assistance and determine the Claimant's eligibility for SDA. I


Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 02/15/11

Date Mailed: 02/16/11

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.

LMF/dj

cc:

