

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201126470  
Issue No.: 2001; 3002  
Case No.: [REDACTED]  
Hearing Date: May 12, 2011  
Oakland County DHS

**ADMINISTRATIVE LAW JUDGE:** [REDACTED]

**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 held on May 12, 2011. The Claimant was present and testified. The Department of Human Services (Department) was represented by [REDACTED] [REDACTED]s, WOC Manager.

**ISSUE**

Was the Department correct in its decision to exclude Claimant from Claimant's FAP group and in turn to decrease Claimant's FAP benefits?

Was the department correct in its decision to deny Claimant's Adult Medical Program (AMP) application?

**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 FAP recipient in a household of four persons.
2. The Department decreased Claimant's FAP grant effective April 1, 2011, basing the new amount on a household of three persons due to Claimant's failure to verify her alien status.
3. No evidence was proffered from the Department regarding the Systematic Alien Verification for Entitlements (SAVE) program.

4. Claimant applied for AMP.
5. The Department denied Claimant's application for AMP due to the program being in a freeze at the time of application.
6. Claimant requested a hearing contesting the amount of the FAP grant and the denial of AMP.

### **CONCLUSIONS OF LAW**

#### **Food Assistance Program (FAP)**

The Food Assistance Program (FAP) 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 administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM, which includes the Reference Tables (RFT).

BEM 212 instructs:

A **disqualified person** is one who is ineligible for FAP because the person refuses or fails to cooperate in meeting an eligibility factor.

-----

Individuals are disqualified for the following reason(s):

- Failure to meet citizenship/alien status.

BEM 212, p. 6, 7

BEM 225A states:

#### **January 1, 2011**

The Systematic Alien Verification for Entitlements (SAVE) Program enables federal, state, local government agencies and licensing bureaus to obtain immigration status information needed to determine a noncitizen applicant's eligibility for many public benefits. The SAVE Program is an

intergovernmental information-sharing initiative designed to aid eligibility specialists in determining a noncitizen applicant's immigration status. This will ensure that only entitled noncitizen applicants receive federal, state, or local public benefits. The SAVE Program is an information service which benefits issuing agencies, institutions, licensing bureaus, and other entities. The SAVE Program does not make a determination on noncitizen applicant's eligibility for a specific benefit or license.

### **All Programs**

Determine alien status of noncitizens according to BEM 225. Apply the SAVE process at intake or the next time active programs are processed. When the SAVE box is not checked, additional screens are required to complete the SAVE process.

### **PROCESS**

The SAVE process is applied in Bridges when the specialist is prompted to complete the Alien Details. Document all information in Bridges that is obtained from the noncitizen. Validation of the verification information is obtained from SAVE at three levels. Ninety percent of all requests are resolved in 3-5 seconds at the first level. Clarification or further information is submitted for some cases at the second level; resolution may take 3-5 federal working days. Few inquires require the third level which takes 10-20 federal working days to resolve.

In the present case, the Department did not present evidence that it accessed the SAVE program per BEM 225A. Without this information, I cannot determine that the Department was correct in its decision to decrease Claimant's FAP grant due to Claimant failing to verify her alien status. The Department was therefore not correct in its decision to exclude Claimant from Claimant's FAP group, and in turn reducing Claimant's FAP benefits.

### **Adult Medical Program (AMP)**

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 (formerly known as the Family Independence Agency) 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,) which includes the Reference Tables (RFT.)

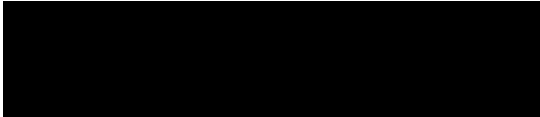
BEM 640 instructs: "Applications received during the freeze on AMP enrollments must be registered and denied using "applicant did not meet other eligibility requirements" as the denial reason."

BEM 225 instructs: ". . . Medicare recipients . . . are not required to verify U.S. citizenship." BEM 225, p. 1.

In the present case, Claimant's application for AMP was denied due to a freeze on the program. Therefore, the Department was correct in denying Claimant's AMP application. However, Claimant may apply for other programs of Medical Assistance.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was not correct in its decision to exclude Claimant from Claimant's FAP group and in turn decreasing Claimant's FAP grant, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department re-determine Claimant's FAP eligibility, effective April 1, 2011, using the Department's SAVE program (BEM 225A) and if she is found eligible, recalculate Claimant's FAP grant, effective April 1, 2011. It is further ORDERED that any increased or missed payments will be made in the form of a supplement. It is further ORDERED that the Department's decision regarding Claimant's AMP application is AFFIRMED. It is further ORDERED that the Department shall assist Claimant in applying for other applicable MA programs.



Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: May 25, 2011

Date Mailed: May 25, 2011

**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 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.

SCB / hw

cc:

[REDACTED]

Oakland County DHS (03)/ 1843

[REDACTED]

Administrative Hearings