

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2011-53476
Issue No.: 1015; 2015; 3003; 5013
Case No.: [REDACTED]
Hearing Date: November 10, 2011
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on November 10, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] Family Independence Manager.

ISSUE

Did the Department properly pay Claimant benefits for Family Independence Program (FIP) and Food Assistance Program (FAP) for July 1, 2011, ongoing?

Did the Department properly deny Medical Assistance (MA) coverage for Claimant's son [REDACTED] for July 1, 2011, ongoing?

Did the Department fail to process Claimant's July 28, 2011, application for State Emergency Relief (SER) assistance?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FIP and FAP benefits.
2. Claimant's son [REDACTED] was an ongoing recipient of MA coverage.

3. The Department acknowledged that [REDACTED] was improperly removed from Claimant's FIP and FAP group and denied MA coverage.
4. Claimant's FIP and FAP budgets for July 1, 2011, ongoing included earned income received by Claimant.
5. Claimant filed a SER application on July 26, 2011.
6. The Department did not process Claimant's SER application.
7. On August 9, 2011, Claimant filed a request for hearing, disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 ACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by, 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, the Department acknowledged that it erroneously excluded Claimant's son [REDACTED] from Claimant's FIP and FAP case from July 1, 2011 ongoing and denied [REDACTED] MA coverage from July 1, 2011 ongoing. The Department also testified that Claimant's FIP and FAP budgets for July 1, 2011, ongoing also improperly included earned income Claimant was no longer receiving. The Department attempted to remedy these problems by issuing FIP and FAP supplements and reinstating [REDACTED] MA coverage for July 1, 2011, ongoing. However, it could not access any aspect of Claimant's case on its system in order to correct its errors. The Department had filed a ticket with Lansing seeking assistance six weeks prior to the hearing date, but the issue had not been resolved. Because Claimant's case was "frozen" on its system, the Department had also been unable to process Claimant's July 28, 2011, SER application. Thus, it violated its standard of promptness for issuing a decision on the application. ERM 103. By failing to (i) timely correct the errors in Claimant's FIP and FAP budgets and issue supplements due to Claimant, (ii) reinstate [REDACTED] MA coverage, and (iii) process Claimant's July 26, 2011, SER application, the Department did not act in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when .

did not act properly when it failed to recalculate Claimant's FIP and FAP budgets and issue supplements for Claimant's FIP and FAP benefits for July 1, 2011, ongoing; failed to reinstate [REDACTED] MA coverage for July 1, 2011, ongoing; and failed to process Claimant's July 26, 2011, SER application.

Accordingly, the Department's AMP FIP FAP MA SDA CDC SER decision is AFFIRMED REVERSED for the reasons stated above and on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Begin recalculating Claimant's FIP and FAP budgets for July 1, 2011, ongoing to include Claimant's son [REDACTED] as a group member and to use correct figures for Claimant's earned income in accordance with Department policy;
2. Issue supplements to Claimant for any FIP and FAP benefits which Claimant was entitled to receive but did not for July 1, 2011, ongoing;
3. Provide MA coverage for Claimant's son [REDACTED] for July 1, 2011, ongoing, in accordance with Department policy;
4. Begin processing Claimant's July 26, 2011, SER application; and
5. Notify Claimant of its decision on the SER matter in writing in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 13, 2011

Date Mailed: December 13, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings

Reconsideration/Rehearing Request
P. O. Box 30639

2011-53476

Lansing, Michigan 48909-07322

ACE/ctl

cc:

[REDACTED]
Wayne County DHS (57)/1843

[REDACTED]

A. Elkin