

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-13319
Issue No.: 2018; 3022; 6021
Case No.: [REDACTED]
Hearing Date: December 19, 2011
County: Wayne (49)

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 December 19, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] Eligibility Specialist, and [REDACTED] Family Independence Specialist.

ISSUE

Did the Department properly reduce Claimant's Food Assistance Program (FAP) benefits?

Did the Department properly close Claimant's Medical Assistance (MA) benefits under the Transitional Medical Assistance (TMA) program?

Did the Department properly close Claimant's Child Development and Care (CDC) case?

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 FAP, TMA and CDC benefits.
2. On October 22, 2011, the Department closed Claimant's CDC case.
3. On November 8, 2011, the Department sent Claimant a Notice of Case Action notifying her that her TMA case would close effective January 1, 2012, and that her

FAP benefits would decrease to \$16 per month effective December 1, 2011, based on her increased income.

4. Before December 1, 2011, the Department recalculated Claimant's FAP budget and determined that Claimant was entitled to \$31 per month in FAP benefits effective December 1, 2011.
5. On November 16, 2011, Claimant filed a request for hearing, disputing the Department's actions.

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 AACS, 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.

FAP Benefits

Claimant acknowledged that the Department used the correct figures for her gross biweekly income and her monthly housing expenses when it recalculated her FAP budget. A review of Claimant's FAP budget shows that the Department acted in accordance with Department policy when it concluded that Claimant was entitled to a monthly FAP allotment of \$31. BEM 554, 556; RFT 255.

Medical Assistance Case

Pursuant to the November 8, 2011, Notice of Case Action, the Department notified Claimant that it was closing her Transitional Medicaid (TMA) case effective January 1, 2012. Although the Notice indicates that the TMA case was being closed because Claimant was not under 21, pregnant, or a caretaker of a minor child in the home, at the hearing, the Department explained that her case was being closed because she could not continue to receive TMA in excess of twelve months. Families may receive TMA for up to 12 months, and TMA eligibility continues until the end of the 12-month TMA period except in limited circumstances not applicable in the current case. BEM 111. In this case, the Department testified, and Claimant agreed, that Claimant and her child had started receiving TMA coverage on November 1, 2010. Thus, the Department acted in accordance with Department policy when it notified Claimant of the closure of her TMA case based on the lapse of the 12-month period of eligibility.

CDC Benefits

At the hearing, the Department conceded that it had prematurely closed Claimant's CDC case and agreed to (i) reinstate her CDC case for the period from October 22, 2011 to December 1, 2011, and (ii) issue supplements to Claimant's provider for any CDC benefits Claimant was entitled to receive during this period but did not. Claimant agreed to this settlement.

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

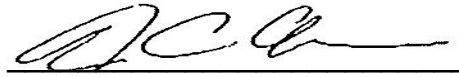
did act properly when reduced Claimant's FAP benefits and closed Claimant's TMA case.

did not act properly when it prematurely closed Claimant's CDC case.

Accordingly, for the reasons stated above and on the record, the Department's decision is AFFIRMED with respect to the reduction of Claimant's FAP benefits and closure of her TMA case and REVERSED with respect to its premature closure of Claimant's CDC case.

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

1. Remove the negative action closing Claimant's CDC case on October 22, 2011;
2. Begin reinstating Claimant's CDC case for the period from October 22, 2011 to December 1, 2011; and
3. Issue supplements to Claimant's CDC provider for any CDC benefits Claimant was entitled to receive but did not for the period from October 22, 2011, to December 1, 2011.



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

Date Signed: December 28, 2011

Date Mailed: December 28, 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
Lansing, Michigan 48909-07322

ACE/ctl

2012-13319

cc:

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Wayne County DHS (49)/1843

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A.
File

Elkin