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

IN THE MATTER OF:



Reg. No.: 2012-46995 Issue No.: 2018 Case No.: Hearing Date: May 17, 2012 County: Ingham

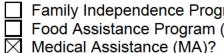
ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 May 17, 2012, from Lansing, Michigan. Participants on behalf of Claimant included Christopher Miller (Claimant's husband). Participants on behalf of Department of Human Services (Department) included (Lead Worker) and (Eligibility Specialist).

ISSUE

Did the Department properly \Box deny Claimant's application \boxtimes close Claimant's case for:



Family Independence Program (FIP)? Food Assistance Program (FAP)?

Adult Medical Program (AMP)? State Disability Assistance (SDA)? Child Development and Care (CDC)?

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 applied for benefits received benefits for:



Family Independence Program (FIP).

Food Assistance Program (FAP). Medical Assistance (MA).

Adult Medical Assistance (AMP).

State Disability Assistance (SDA).

Child Development and Care (CDC).

- On April 6, 2012, the Department

 denied Claimant's application
 closed Claimant's case
 due to the expiration of Transitional Medicaid. However, the Department opened up a Medicaid deductible case at this time. The Department did not take any negative action affecting Claimant's FAP at this time.
- On April 6, 2012, the Department sent
 Claimant
 Claimant's Authorized Representative (AR)
 notice of the
 denial.
 closure.

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 1997 AACS R 400.3101-3131. 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 1997 AACS R 400.3001-3015.

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 1998-2000 AACS R 400.3151-400.3180.

☐ 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 1997 AACS R 400.5001-5015.

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC 400.903(1).

With regard to FAP, Claimant requested a hearing regarding her FAP case because she was afraid the Department may reduce her FAP in the future. However, at the time of the hearing request, Claimant's FAP had not been affected. At the time of Claimant's hearing request, the Department had not taken any action to suspend, reduce, discontinue or terminate Claimant's FAP benefits. Under the administrative rule discussed above, Claimant does not have a right to a hearing and thus, this Administrative Law Judge has no jurisdiction in this matter.

Claimant also requested a hearing concerning her MA benefits. Claimant requested the hearing because she did not understand why the Department closed her MA and opened up a MA deductible case. At the time, Claimant was receiving Transitional Medicaid. TMA eligibility continues for only 12-months. BEM 111. The Department closed Claimant's TMA after the expiration of the 12 month period. The Department properly determined Claimant's MA eligibility.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application properly closed Claimant's case

improperly denied Claimant's application
 improperly closed Claimant's case

for: \square AMP \square FIP \boxtimes FAP \boxtimes MA \square SDA \square CDC.

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 \square did act properly. \square did not act properly.

Accordingly, the Department's \square AMP \square FIP \square FAP \boxtimes MA \square SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

For the reasons stated above and for the reasons on the record, Claimant's hearing request regarding FAP is HEREBY DISMISSED for lack of jurisdiction.

IT IS SO ORDERED.

/s/

C. Adam Purnell Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: 5/24/12

Date Mailed: <u>5/24/12</u>

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.

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.

CAP/ds

