

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20134989
Issue No.: 1021; 3000
Case No.: [REDACTED]
Hearing Date: November 15, 2012
County: Wayne (18)

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 15, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's mother and Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor, and [REDACTED], Eligibility Specialist.

ISSUE

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

Did the Department properly deny Claimant's Medical Assistance (MA) application?

FINDINGS OF FACT

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

1. On September 21, 2012, Claimant applied for FAP and MA benefits.
2. On September 21, 2012, the Department denied Claimant's MA application on the basis that he was not blind, aged, disabled, or the caretaker of a minor child and did not meet the age requirements and because there was a freeze on enrollment in the Adult Medical Program (AMP).

3. The Department approved Claimant's FAP application for expedited monthly FAP benefits of \$200 pending receipt of verification of income and shelter expenses.
4. On October 2, 2012, the Department sent Claimant a Notice of Case Action informing him that his monthly FAP benefits would be reduced to \$16, effective November 1, 2012, based on his monthly earned income of \$1440 and unverified shelter expenses.
5. On October 11, 2012, Claimant filed a request for hearing disputing the Department's actions concerning his FAP benefits and MA application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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 Mich Admin Code, 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.

Dismissal of Hearing Concerning FAP Benefits

At the hearing, Claimant and his AHR testified that they understood the Department's actions concerning Claimant's FAP benefits and wished to dismiss the request for hearing concerning the FAP benefits. The Department agreed to the dismissal. Accordingly, Claimant's October 11, 2012, request for hearing concerning his FAP benefits is DISMISSED.

Denial of MA Application

Claimant applied for MA on September 21, 2012. That same day, the Department sent Claimant a Notice of Case Action denying his application on the basis that there was a freeze on Adult Medical Program (AMP) enrollment and he was not eligible for other MA coverage because he was not blind, disabled, pregnant or the parent/caretaker relative of a dependent child or within the age requirement.

An individual may receive Medical Assistance (MA) coverage if he qualifies under an a FIP-related MA category or an SSI-related MA category. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (October 1, 2010), p 1. To receive MA under a FIP-related category, the person must have dependent children, be a caretaker relative of dependent children, be under age 21, or be a pregnant or recently pregnant woman. BEM 105, p 1; BEM 132 (October 1, 2010), p 1. AMP provides limited medical services for persons not eligible for MA coverage. BEM 100 (June 1, 2012), p 4.

The evidence at the hearing established that Claimant was born on January 9, 1991, and was 21 years old at the time of his September 21, 2012, MA application. Therefore, he was not age-eligible for MA coverage. BEM 240 (November 1, 2012), pp 2-3. Claimant confirmed that he did not have any minor children. Thus, the Department properly concluded that he did not qualify for FIP-related MA. See BEM 135 (January 1, 2011), p 3. The Department also properly concluded that Claimant was not eligible for AMP medical coverage because the program was closed to new enrollees at the time of his application.

Although Claimant was injured after he had filed his application, he confirmed that he did not allege any disability on his MA application. The Department also noted that Claimant had not indicated in his application that he had applied for Supplemental Security Insurance (SSI) benefits, which would have triggered the Department's consideration of whether Claimant was eligible for SSI-related MA for disability. Under the facts present at the time of Claimant's application, Claimant was not eligible for SSI-

related MA. Thus, the Department acted in accordance with Department policy when it denied Claimant's MA application.

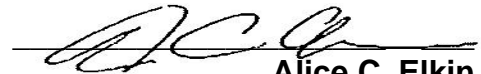
DECISION AND ORDER

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 denied Claimant's MA application.

did not act properly when .

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record and above.


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

Date Signed: 11/21/12

Date Mailed: 11/21/12

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.

20134989/ACE

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/hw

cc:

