

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201262700
Issue No.: 2009; 3014; 4031
Case No.: [REDACTED]
Hearing Date: August 9, 2012
County: Wayne (17)

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 August 9, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's sister and Authorized Hearing Representative (AHR). Participants on behalf of Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly process Claimant's application for State Disability Assistance (SDA) and Medical Assistance (MA)?

Did the Department properly process Claimant's Food Assistance Program (FAP) 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 applied for benefits received benefits for:

- | | |
|--|--|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input checked="" type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |
| <input type="checkbox"/> Direct Support Services (DSS). | |

2. Claimant received Food Assistance Program (FAP) benefits.

3. On May 8, 2012; May 18, 2012; and June 22, 2012, the Department denied Claimant's MA and SDA application closed Claimant's case due to lack of disability and failure to provide verifications and sent Claimant notice of the denials.
4. On June 22, 2012, Claimant filed a hearing request, protesting 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 1999 AC, R 400.3101 through Rule 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 1999 AC, R 400.3001 through Rule 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 AAC, R 400.3151 through Rule 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 1999 AC, R 400.5001 through Rule 400.5015.

Direct Support Services (DSS) is administered by the Department pursuant to MCL 400.57a, et. seq., and Mich Admin Code R 400.3603.

Additionally, Claimant requested a hearing concerning the denial of her SDA, MA and FAP applications.

SDA and MA Applications

Claimant's AHR testified that Claimant had applied for MA in December 2011 or January 2012 and again in April 2012 or May 2012. Because Claimant's first application was denied in January 2012, a request for hearing with respect to that denial was not timely filed and the Department's actions with respect to that denial were not considered at the hearing. See BAM 600.

Although Claimant's AHR testified that Claimant had filed another MA and SDA application on May 8, 2012, the Department's evidence indicated that the application was filed on April 30, 2012, and it was reregistered on May 8, 2012. There was evidence that the Department had sent Claimant three Notices of Case Action, on May 8, 2012, May 18, 2012 and June 22, 2012, each denying Claimant's application as of April 1, 2012, based on the reasons that Claimant was not aged, blind, disabled, under 21, pregnant, or the parent or caretaker of a minor child and that Claimant had failed to return requested documentation. Despite these Notices, the Department credibly testified that Claimant's MA and SDA applications continued to appear as "pending" on its system as of the hearing date and Claimant's medical evidence was being assessed by the Medical Review Team (MRT). Evidence that Claimant's applications continued to be processed were further supported by the Department's credible testimony that on July 31, 2012, after Claimant filed her hearing request and the Department prepared its hearing summary, the Department received a decision by the MRT finding that Claimant was not disabled. The Department worker testified that this finding had not been entered into its system, but once it was a Notice of Case Action would be generated denying Claimant's April 30, 2012 application for MA and SDA because she was not disabled. Claimant was advised to request a hearing concerning that Notice of Case Action in order to have the MRT's decision reviewed.

FAP Case


Although Claimant claimed she had applied and was denied for FAP benefits, the Department credibly testified that Claimant was a member of a separate FAP group consisting of herself and her mother that had recently completed a redetermination and been certified on July 5, 2012, for continued FAP eligibility. Claimant was advised that if she wished to pursue FAP benefits separately from her mother, she would have to apply and establish her eligibility for such benefits in accordance with Department policy.

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 processed Claimant's SDA and MA application and her FAP case.

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. did not act properly.

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


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

Date Signed: August 21, 2012

Date Mailed: August 21, 2012

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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322
Lansing, Michigan 48909-07322

ACE/hw

cc:

