

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

IN THE MATTER OF:



Reg. No: 201265063
Issue No: 2001, 3025
Case No: [REDACTED]
Hearing Date: August 14, 2012
Macomb #20 County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on August 14, 2012. Claimant and his [REDACTED] appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's Adult Medical Program (AMP) application?

Did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) application?

FINDINGS OF FACT

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

1. Claimant On April 28, 2012, Claimant entered the [REDACTED] as a permanent [REDACTED].
2. On July 5, 2012, Claimant submitted an application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
3. On July 11, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated he was not eligible for Food Assistance Program (FAP) benefits and that the only Medical Assistance (MA) he was eligible for was the Adult Medical Program (AMP) which was closed to enrollment.
4. On July 18, 2012, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant submitted his INS Identification card. Bridges Eligibility Manual [REDACTED] that a permanent [REDACTED] who has been in the US less than 5 years is not eligible for Food Assistance Program (FAP) benefits. Claimant is eligible for emergency medical services under the Adult Medical Program (AMP) but must apply during a period when the program is open to enrollment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) application.

It is **ORDERED** that the actions of the Department of Human Services, in this matter, are UPHHELD.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 22, 2012

Date Mailed: August 22, 2012

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

GFH/tb

cc:

