

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201275339
Issue No: 2006, 3008
Case No: [REDACTED]
Hearing Date: October 11, 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 October 11, 2012. Claimant and her [REDACTED] both appeared and testified.

ISSUE

Did the Department of Human Services properly deny [REDACTED] Medical Assistance (MA) beginning October 1, 2012?

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) beginning September 1, 2012?

FINDINGS OF FACT

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

1. On August 3, 2012, Claimant was sent a Verification Checklist (DHS Form 3503). The verifications requested on the checklist were due August 13, 2012.
2. On August 28, 2012, Claimant was sent a Notice of Case Action (DHS-1605) stating the Food Assistance Program (FAP) would close on September 1, 2012 and Regina's Medical Assistance (MA) was denied on October 1, 2012 and ongoing. The notice stated that no paycheck stubs or proof of car ownership were returned.
3. On September 7, 2012, Claimant submitted a request for hearing. Vehicle information and [REDACTED] for both Claimant and [REDACTED] were also submitted.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found 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 the Department representative was not the worker who had the case when the Verification Checklist (DHS Form 3503) was issued. There is no evidence in the record that specifically shows if the programs were pending from an initial application, be re-determined for on going benefits, or were in the course of an already established certification period. The Department representative at the hearing indicated that Regina's Medical Assistance (MA) was Group 2 under 21 ongoing in the course of an already established certification period and that the Food Assistance Program (FAP) was pending from an initial application. These distinctions are critical because verifications are handled differently for the three separate circumstances.

Claimant's income and asset information was required to determine Regina's Medical Assistance (MA) eligibility in accordance with Department of Human Services Bridges Eligibility Manual 132 Group 2 Persons Under Age 21 (2010). In the course of trying to apply the appropriate Department policy to the different circumstances of the two separate programs, several discrepancies were seen which cast doubt on the categorizations of the programs. First is the language in the August 28, 2012 Notice of Case Action (DHS-1605). Regina's Medical Assistance (MA) is described as "denied". The Food Assistance Program (FAP) is described as "closed." While a program that was opened could be denied, it seems more likely it would be closed. Conversely something that was never open would not be closed but more likely denied. While these grammatically incorrect terms may exist due to the programming of BRIDGES, the lack of specific evidence presented by the Department on the question brings the grammatically incorrect terms into the spotlight as critical information.

The action taken on [REDACTED] Medical Assistance (MA) is in concert with Bridges Administration Manual 130 Verification and Collateral Contacts (2012) [REDACTED]. However, the income and asset information received on September 7, 2012 was not used in accordance with Bridges Administration Manual 115 Application Processing (2012) pages 4 & 18.

The Department cannot be upheld because they have not met their burden of presenting sufficient evidence to show that the actions questioned in Claimant's request for hearing were correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Food Assistance Program (FAP) beginning September 1, 2012 or deny Regina's Medical Assistance (MA) beginning October 1, 2012.

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

It is further ORDERED that the Department reinstate both programs and process them in accordance with Department policy.

/s/

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

Date Signed: October 19, 2012

Date Mailed: October 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:

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