

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

IN THE MATTER OF:



Reg. No.: 2012-9185
Issue No.: 3015/2001
Case No.:
Hearing Date: December 13, 2011
County: Wayne-15

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 December 13, 2011. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included , Eligibility Specialist.

ISSUE

1. Whether the Department properly denied Claimant's application for the Food Assistance Program (FAP) based on excess income?
2. Whether the department properly denied Claimant's application for the Adult Medical Assistance (AMP)?

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 the Adult Medical Assistance (AMP) and the Food Assistance Program (FAP).
2. On September 13, 2010, the Department denied Claimant's application for FAP due to excess income and denied Claimant's AMP application because the program was closed to new enrollments at the time of application. (Department's Exhibits 1-5)
3. On September 21, 2011, Claimant or Claimant's AHR filed a hearing request, protesting the denial of the application.

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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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 Mich Admin Code, Rule 400.3015.

During the hearing, Claimant testified that she was not receiving the adoption subsidy at the time she applied for FAP. She also stated that she had applied for Medicaid, not the Adult Medical Program. The department stated they had documentation showing Claimant had received the adoption subsidy and she had only applied for FAP and AMP. The record contained no evidence Claimant had received the adoption subsidy, no application showing she had applied for AMP and not MA, and no FAP or Shelter Expense budgets. These documents were requested and the department failed to provide them.

Therefore, because the department failed to provide the requested documentation showing they properly determined eligibility for FAP and MA or AMP, the department is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department did not act properly in determining Claimant's FAP and AMP or MA eligibility.

Therefore, the department is REVERSED and shall redetermine Claimant's eligibility for FAP and MA or AMP, based on her application.

/S/
Vicki L. Armstrong
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 12/15/11

Date Mailed: 12/15/11

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.

VLA/ds

■ [REDACTED]