

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

IN THE MATTER OF:



Reg. No.: 2012-9909
Issue No.: 2000; 3019
Case No.: [REDACTED]
Hearing Date: December 15, 2011
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

AMENDED 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 15, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] Assistant Payment Supervisor, and [REDACTED] Family Independence Manager.

ISSUE

Did the Department properly close Claimant's case for Food Assistance Program (FAP) benefits?

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 July 19, 2011, Claimant applied for MA with retroactive coverage and FAP benefits.
2. Claimant's FAP application was approved.
3. On October 3, 2011, the Medical Review Team (MRT) found that Claimant was not disabled.
4. On October 21, 2011, the Department sent Claimant a Notice of Case Action, denying his MA application and closing his FAP case effective December 1, 2011.
5. On October 27, 2011, Claimant filed a request for hearing disputing the Department's actions with respect to his MA application and his FAP benefits.

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 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 2000 AACS, 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.

FAP Case Closure

At the hearing, the Department testified that Claimant's FAP case was closed because he was a student and did not fit any of the criteria for eligibility. Based on the testimony at the hearing, including Claimant's admissions, Claimant was a full-time student at the time he applied for FAP benefits in July 2011. BEM 245.

Students are eligible for FAP benefits only if one of the conditions in BEM 245 applies. Under BEM 245, a student who is physically or mentally unfit for employment is eligible for FAP benefits. The Department testified that it initially approved Claimant's application for FAP benefits because, at the time of his FAP and MA application, Claimant claimed he was disabled. When MRT concluded that Claimant was not disabled, the Department found that Claimant no longer could rely on physical or mental unfitness to qualify for FAP benefits as a student. The Department also credibly testified that Claimant lacked the twenty-hours-per-week of employment that provides a separate ground for FAP eligibility for students. BEM 245. Because Claimant did not fit any of the criteria for FAP eligibility for students, the Department acted in accordance with Department policy when it closed Claimant's FAP case while he was a student.

It should be noted that, at the hearing, Claimant testified that he lost his student status in November 2011 when he could no longer attend his classes. He subsequently reapplied for FAP benefits, and the Department approved his application.

MA Application

Claimant's October 27, 2011, Request for Hearing also requested a hearing concerning the Department's denial of his MA application based on MRT's finding that Claimant was not disabled. Because there was no confirmation at the hearing that the MRT decision was presented to the State Hearing Review Team (SHRT) as required under policy, a hearing will be scheduled in the future as to the disability matter to separately address the denial of Claimant's July 19, 2011 MA application with retroactive coverage.

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 it closed Claimant's FAP case based his failure to satisfy any of the eligibility criteria as a student.

Accordingly, for the reasons stated above and on the record, the Department is AFFIRMED with respect to the Department's action in closing Claimant's case for FAP benefits.



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

Date Signed: January 6, 2012

Date Mailed: January 6, 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 at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/ctl

cc: [REDACTED]
Oakland County DHS (04)

[REDACTED]

File