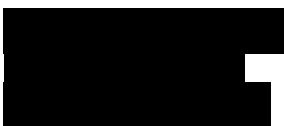


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201253063
Issue No.: 3014, 4000
Case No.: [REDACTED]
Hearing Date: June 6, 2012
County: Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 June 6, 2012, from Lansing, Michigan. Participants on behalf of Claimant included Claimant and her mother. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for State Disability Assistance (SDA) and determine the amount of Claimant's benefits for Food Assistance Program (FAP)?

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 for State Disability Assistance (SDA) and received benefits for Food Assistance Program (FAP).
2. On June 1, 2012, the Department denied Claimant's application for SDA benefits and found claimant eligible for [REDACTED] in FAP benefits closed Claimant's case due to not being categorically eligible for cash benefits and having a group size of one for FAP benefits.
3. On May 3, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial and FAP allotment amount.
4. On May 14, 2012, Claimant filed a hearing request, protesting the denial of the application, and the amount of 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 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 AACRS, 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.

Additionally, at the hearing, the department representative testified that the claimant's group size was listed as one because of information received regarding the primary care taker of the claimant's children. The department representative could not state if the department had taken any action to request verifications to show who the primary caretaker of the children was. BEM 212 states that when the issue of a primary care taker is disputed, the department shall allow both parties to submit verification to support the claim of who the primary caretaker is. There was no evidence presented to show that the department had taken this action, therefore, the Administrative Law Judge

determines that the department did not properly determine the claimant's FAP group size.

Furthermore, the department did not provide evidence to show that the claimant did not allege a disability on her application for cash benefits as the application was not provided nor available at the hearing. Additionally, the claimant may have been eligible for cash assistance under the FIP program had the department properly determined the primary caretaker of her children. BEM 210 lays out the procedure to be followed in determining primary caretaker for the purpose of determining FIP group size. Accordingly, the Administrative Law Judge determines that the department did not properly determine the claimant's eligibility for cash benefits.

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

improperly denied Claimant's application for SDA and improperly determined the claimant's FAP benefit allotment.

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 decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

The department shall initiate a redetermination of the claimant's eligibility for SDA and FAP benefits as of the March 12, 2012 application. The department shall follow the procedures contained in BEM 212 and BEM 210 to determine the claimant's group size for each respective program. If the claimant did not allege disability on her application, the department shall determine if the claimant is eligible for cash assistance under the FIP program after the group size is determined in accordance with BEM 210. If the claimant is found to be otherwise eligible, the department shall issue benefits and if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/ _____
Christopher S. Saunders
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 11, 2012

Date Mailed: June 11, 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

CSS/cr

cc:

