

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

IN THE MATTER OF:



Reg. No.: 2012-57310
Issue No.: 2003, 3000
Case No.: [REDACTED]
Hearing Date: July 23, 2012
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Detroit, Michigan on Monday, July 23, 2012. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly terminated the Claimant's food assistance ("FAP") benefits effective May 1, 2012?

Whether the Department properly terminated the Claimant's medical assistance ("MA") benefits effective July 1, 2012?

FINDINGS OF FACT

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

1. The Claimant was a FAP and MA recipient.
2. The Claimant has minor children in the home.
3. During redetermination, the Claimant provided the Department with her new address and other supporting verifications necessary to determine continuing eligibility.
4. The redetermination was not completed.

5. Effective May 1, 2012, the Claimant's FAP benefits were closed based on the redetermination process not being completed.
6. On May 25, 2012, the Department notified the Claimant that her MA benefits would terminate effective July 7, 2012.
7. On June 5, 2012, the Department received the Claimant's timely written request for hearing, protesting the closure of the FAP and MA benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("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, Rules 400.3101 through 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 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, Rules 400.3001 through 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 Mich Admin Code, Rules 400.3151 through 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, Rules 400.5001 through 400.5015.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. BAM 130. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification(s). BAM 130. For FAP and MA purposes, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210. If the client does not complete the redetermination process, benefits expire at the end of the benefit period. BAM 210.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2)

In this case, the Department acknowledged receipt of the requested verifications necessary to determine continuing FAP and MA eligibility. Despite having the requested information, the Department failed to complete the Claimant’s FAP redetermination resulting in the Claimant’s FAP benefits stopping at the end of the benefit period, April 30, 2012. Subsequently, the Department sent a Notice of Case Action to the Claimant informing her that her MA benefits would terminate July 1, 2012 because she was not “21, pregnant, or a caretaker of a minor child in your home.” The Claimant’s six minor children reside in her home. During the hearing the Department agreed to complete the FAP redetermination and supplement for lost benefits. The Department also acknowledged that the Claimant’s MA benefits were terminated in error. As such, the Department agreed to activate MA coverage. The Claimant and her Authorized Hearing Representative were amenable to this resolution. In light of the accord, there is no further issue that needs to be addressed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law the Department’s actions are not upheld.

Accordingly, it is ORDERED:

1. The Department’s actions are not upheld.
2. The Department shall, as agreed, complete the FAP redetermination in accordance with Department policy effective May 1, 2012.

3. The Department shall notify the Claimant and her Authorized Hearing Representative of the FAP determination in accordance with Department policy.
4. The Department shall supplement for lost FAP benefits that the Claimant was entitled to receive effective May 1, 2012, if otherwise eligible and qualified, in accordance with Department policy.
5. The Department shall activate MA coverage for the Claimant effective July 1, 2012 based on her status as a caretaker of minor children in the home if otherwise eligible and qualified, in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 26, 2012

Date Mailed: July 26, 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.

2012-57310/CMM

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

