

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201323600  
Issue No.: 2001; 3009  
Case No.: [REDACTED]  
Hearing Date: February 25, 2013  
County: Oakland (02)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 February 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's friend. Participants on behalf of Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor, and [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly  deny Claimant's application  close Claimant's case for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?        | <input checked="" type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)?         |
| <input type="checkbox"/> Medical Assistance (MA)?                  | <input type="checkbox"/> Child Development and Care (CDC)?          |
| <input type="checkbox"/> Direct Support Services (DSS)?            |   |

**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  received benefits for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP).        | <input checked="" type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA).         |
| <input type="checkbox"/> Medical Assistance (MA).                  | <input type="checkbox"/> Child Development and Care (CDC).          |
| <input type="checkbox"/> Direct Support Services (DSS).            |   |

2. On January 1, 2013, the Department  
 denied Claimant's application       closed Claimant's AMP case  
due to Claimant's incarceration for over 30 days.
3. On February 1, 2013, the Department  
 denied Claimant's application       closed Claimant's FAP case  
due to Claimant's incarceration for over 30 days.
4. On December 18, 2012, the Department sent  
 Claimant       Claimant's Authorized Representative (AR)  
notice of the       denial.       closure.
5. On January 14, 2013, Claimant filed a hearing request, protesting the  
 denial of the application.       closure of the case.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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 Mich Admin Code, 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.

Direct Support Services (DSS) is administered by the Department pursuant to MCL 400.57a, *et. seq.*, and Mich Admin Code R 400.3603.

Additionally, on December 18, 2012, the Office of Inspector General (OIG) notified the Department that Claimant had been incarcerated in the [REDACTED] since [REDACTED]. On December 18, 2012, the Department sent Claimant a Notice of Case Action advising him that his AMP case would close effective January 1, 2013, and his FAP case would close effective February 1, 2013.

#### Closure of AMP Case

Although the Notice of Case Action indicated that Claimant's AMP case would close because Claimant was not under 21, pregnant, the caretaker of a minor child in his home, or over 65, blind or disabled, and because he had failed to verify necessary information, at the hearing, the Department testified that Claimant's case had closed because of his incarceration. BEM 265 provides that if the period of a client's incarceration continues beyond thirty days, the individual is no longer eligible for AMP and the case should be closed. BEM 265 (July 1, 2012), p 3. In this case, Claimant acknowledged that he was incarcerated in the [REDACTED] between [REDACTED]. Thus, the Department acted in accordance with Department policy when it closed Claimant's AMP case effective January 1, 2012, based on his incarceration exceeding 30 days.

At the hearing Claimant also alleged that the Department improperly closed his AMP case pending his hearing despite his filing of a timely hearing request. While waiting for the hearing decision, benefit recipients must continue to receive the assistance authorized prior to the notice of negative action when the request for hearing is timely filed. BAM 600 (October 1, 2012), p 18. A hearing request is timely filed when it is received anywhere in the Department within 11 days of the effective date of a negative action. BAM 600, p 18. In this case, Claimant filed his request for hearing on January 14, 2013, more than 11 days after the December 18, 2012, Notice of Case Action was sent and more than 11 days after the January 1, 2013, effective date of the closure of his AMP case. Therefore, the Department acted in accordance with Department policy when it did not continue Claimant's AMP coverage pending the hearing.

Closure of FAP Case

The December 18, 2012 Notice of Case Action sent to Claimant also advised Claimant that his FAP case would close effective February 1, 2013, because of his incarceration. The Department acted in accordance with Department policy when it closed Claimant's FAP case based on his incarceration. See BEM 265, p 2 (providing that a person in a facility which provides its residents a majority of their meals cannot qualify for FAP unless the facility is authorized to accept Food Assistance, or the facility is an eligible group living facility); see also BAM 804 (May 1, 2012), p 1 (providing that a person in a federal, state or local correctional facility for more then 30 days is not eligible to receive FAP benefits). Furthermore, at the hearing, the Department established that, because Claimant reapplied for FAP benefits on January 3, 2013 and his application was approved, he had received ongoing, uninterrupted FAP benefits. Thus, Claimant was ultimately not aggrieved by the Department's actions concerning his FAP case.

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

properly denied Claimant's application     improperly denied Claimant's application  
 properly closed Claimant's case             improperly closed Claimant's case

for:  AMP  FIP  FAP  MA  SDA  CDC  DSS.

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

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

Date Signed: 2/28/2013

Date Mailed: 2/28/2013

**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/hw

cc:

