

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-24632
Issue Nos.: 2001, 3002, 5020
Case No.: [REDACTED]
Hearing Date: April 22, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 on April 22, 2013, at Detroit, Michigan. Participants on behalf of Claimant included Claimant and his Authorized Representative, his brother [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> State Emergency Relief (SER)? | <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)? |

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 checked="" type="checkbox"/> State Emergency Relief (SER). | <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). |

2. On December 20, 2012, the Department
 denied Claimant's application closed Claimant's case
due to .
3. On December 20, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On January 17, 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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, Rule 400.3001 through Rule 400.3015.

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 Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, the Department's decision regarding FAP will be considered first in this decision. The Department's Bridges Administrative Manual 130, "Verification and Collateral Contacts," requires the Department to verify the current income of the client's family group. Department of Human Services Bridges Administrative Manual (BAM) 130 (2012), pp. 1-2.

In this case, On December 17, 2012, the Department sent Claimant a Verification Checklist requesting "the last 30 days of check stubs or earnings statements." Dept. Exh. 1, p. 4. On December 18, 2012, Claimant sent nine nonconsecutive earnings statements from over a nine-month period. It is found and determined that the earnings statements did not comply with the Department's request for income statements for the last thirty days. Clmt. Exh. A, pp. 6-14.

At the hearing also, Claimant failed to produce the required thirty days' earnings statements.

Having reviewed this evidence and all of the evidence in this case as a whole, it is found and determined that the Claimant failed to present sufficient income information for the Department to determine Claimant's eligibility for FAP, and his FAP benefit amount, with any degree of accuracy. Bridges Administrative Manual 105, "Rights and Responsibilities," requires the Department to determine eligibility and benefit level for each client individually. Department of Human Services Bridges Administrative Manual (BAM) 105 (2013). The Department cannot randomly assign eligibility and benefit level, without considering income information. It is found and determined that the Department acted correctly in denying Claimant FAP benefits, and its decision shall be affirmed.

Second, with regard to State Emergency Relief, as stated above, the Claimant's failure to provide appropriate income information made it impossible for the Department to determine his eligibility for SER and the benefit amounts to be provided. Emergency Relief Manual (ERM) 301, "Energy Services," requires the Department to consider income as part of these calculations. Department of Human Services Emergency Relief Manual (ERM) 301 (2013). Having considered all of the evidence in this case as a whole, it is found and determined that the Department acted correctly in denying SER because it did not have adequate income information.

Third, Claimant also applied for the Adult Medical Program (AMP). Bridges Eligibility Manual (BAM) 640, "Adult Medical Program," sets forth that this is a program that may or may have an enrollment freeze in effect. If so, the Department must deny AMP to the client. Department of Human Services Bridges Eligibility Manual (BEM) 640 (2012), p. 1. Having considered all of the evidence in this case taken as a whole, it is found and determined that there was an enrollment freeze at the time Claimant applied, and the Department was required to deny his application because of an enrollment freeze.

In conclusion, 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 SER FAP MA SDA CDC.

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 SER FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 23, 2013

Date Mailed: April 24, 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 affect the substantial rights of the claimant:
 - 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

JL/tm

cc:

