

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

**IN THE MATTER OF:**



Reg. No.: 2013-24118  
Issue No.: 2000; 3009  
Case No.: [REDACTED]  
Hearing Date: February 27, 2013  
County: Wayne (76)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**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 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES, and [REDACTED], APS.

**ISSUE**

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

Was Claimant's request for hearing regarding Medical Assistance (MA) timely?

**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 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 February 1, 2013, the Department  
 denied Claimant's application       closed Claimant's case  
due to a criminal justice violation.
3. On December 31, 2012, the Department sent  
 Claimant       Claimant's Authorized Representative (AR)  
notice of the       denial.       closure.
4. On January 10, 2013, Claimant filed a hearing request, protesting the closure of the  
FAP case. Claimant also requested a hearing regarding MA, which case closed in  
January of 2010.

### **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 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.

In the present case, the Department closed Claimant's FAP case due to a criminal justice violation.

BEM 203, pp. 1, 2, states in part:

A fugitive felon is a person who:

Is subject to arrest under an outstanding warrant arising  
from a felony charge against that person

....

Bridges will disqualify the individual as a fugitive felon as  
long as he or she is subject to arrest under an outstanding  
warrant.

At the hearing, the Department presented a letter dated February 27, 2013 from the Office of Inspector General verifying that Claimant continued to be subject to an outstanding felony warrant. The letter detailed Claimant's social security number and his date of birth. Claimant verified that the social security number and the date of birth in the letter were his. Claimant stated that he had been released from incarceration and that he had not heard from law enforcement officials since then. Claimant did not clarify when he was released, nor did he say that he tried to contact the law enforcement agency, as directed in the Notice of Case Action. (Exhibit A, p. 2) Under these facts, the Department acted in accordance with Department policy when it closed Claimant's FAP case based on the criminal justice disqualification.

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.

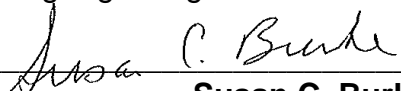
Claimant also requested a hearing regarding MA, but his MA closed in January of 2010 (Exhibit C), and Claimant testified that he has not since then applied for MA. Per BAM 600, p. 4, Claimant's hearing request did not meet the 90-day timeliness requirement. Therefore, his request for hearing regarding MA is dismissed.

**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.

It is FURTHER ORDERED that Claimant's request for hearing regarding MA is DISMISSED.

  
**Susan C. Burke**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 28, 2013

Date Mailed: February 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 mailing 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

SCB/tm

cc:

