

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201335687
Issue No.: 3019, 2018
Case No.: [REDACTED]
Hearing Date: May 23, 2013
County: Wayne County (#19)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted on Thursday May 23, 2013 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and his mother [REDACTED] [REDACTED]. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly closed the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) case?

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 lived with his girlfriend and son. The girlfriend was the grantee on an active case receiving MA and FAP benefits for a group size of 3, which included the Claimant.
2. The Claimant was out of the home for more than 30 days, due to being incarcerated from January 15, 2013 through February 28, 2013, he then went to a residential rehabilitation facility until March 25, 2013.
3. On February 19, 2013, while Claimant was out of the home, his girlfriend passed away and his son went to stay with the girlfriends parents.

4. On March 1, 2013, the Department sent the Claimant notice that he was denied MA benefits for himself and his son; and the FAP benefits for the group would close effective April 1, 2013 due to Claimant and his son not meeting program requirements. (Exhibit 2)
5. On March 11, 2013, the Department received the Claimant's timely written hearing request protesting the case action.
6. The Department reinstated the FAP and MA benefits while the hearing was pending.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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 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.

Policy provides that persons incarcerated in federal, state or local correctional facilities for more than 30 days are not eligible to receive cash (FIP or SDA) or FAP benefits. A person may remain eligible for MA benefits during incarceration. BAM 804 (May 1, 2012). In this case, it was reported that Claimant's girlfriend passed away while the Claimant was out of the home. The Department worker changed the Claimant to the grantee on the case and processed an eligibility determination removing the child from the group since he was living with the maternal grandparents. As a result, the Claimant was denied for MA benefits and the FAP was closed due to having no group members. The Department is required to process any changes it becomes aware of that affect FAP benefits within 10 days after the change is reported to affect the next benefit month.

Here, the Claimant was not eligible to be a member of the FAP group because he was out of the home for more than 30 days, due to incarceration. Therefore, when the Department became aware of the change, it was required to remove the Claimant from the FAP group to affect the next benefit month 10 days after the change was reported.

In addition, because his son was living with the maternal grandparents and no longer residing with Claimant, the Department was to remove the son from the case, which would allow the maternal grandparents to open a MA case for the son. Without a dependent child in the home, the Claimant did not meet the eligibility criteria for MA benefits.

Based on the evidence on record, the Department established it acted in accordance with policy when it terminated the Claimant's FAP benefits and denied him for MA benefits on March 1, 2013 with an effective date of April 1, 2013. The Claimant may re-apply for benefits at any time. Accordingly, the Department action is upheld.

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 in accordance with policy when it closed the FAP and MA case effective April 1, 2013.

Accordingly, the Department's FAP and MA determination is hereby, **AFFIRMED**.

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/3/2013

Date Mailed: 6/3/2013

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

MH/hw

cc:

