

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-38017
Issue Nos.: 2018, 3019
Case No.: [REDACTED]
Hearing Date: April 25, 2013
County: Wayne (82-35)

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 April 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED].

ISSUE

1. Did the Department properly close Claimant's Food Assistance Program (FAP) case?
2. Did the Department properly close Claimant's 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. Claimant was an ongoing recipient of FAP and MA.
2. On March 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP and MA cases would close because she had failed to verify requested information.
3. On March 22, 2013, Claimant requested a hearing disputing the Department's actions.

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 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.

Claimant filed a request for hearing on March 22, 2013, concerning the closure of her MA and FAP cases and the amount of her FAP benefits. In her hearing request, she added that she believed the Department had erred because she had submitted all of the documentation requested by the Department.

The Department provided no Notices of Case Action with the hearing summary. However, the Department testified that it sent a Notice of Case Action to Claimant on March 19, 2013, notifying her that her FAP and MA cases would close because she had failed to submit requested verifications. The Department further testified, however, that it subsequently received and processed Claimant's redetermination.

FAP Case

After it reprocessed Claimant's redetermination, the Department reinstated Claimant's FAP case. The Department produced an eligibility summary showing ongoing, uninterrupted benefits, and Claimant verified that she had received FAP benefits through April 2013. The Department testified that it sent Claimant a March 27, 2013, Notice of Case Action notifying her that, effective April 1, 2013, ongoing, she was approved for monthly FAP benefits of \$367, the maximum benefits available to Claimant's FAP group size of two [see RFT 260 (October 2012), p. 1]. This evidence established that the Department resolved the FAP issue that had resulted in Claimant's March 19, 2013, request for hearing prior to the hearing. Thus, although the Department improperly closed Claimant's FAP case, it acted in accordance with Department policy when it reinstated her FAP case prior to the hearing. BAM 600 (February 2013), p. 14.

Although there was some testimony by the Department at the hearing that the Department was questioning Claimant's FAP eligibility based on Claimant's and her daughter's student status, no action had been taken on Claimant's FAP case on this basis at the time Claimant requested her hearing on March 22, 2013. Claimant was advised that she could request a new hearing concerning her FAP case with respect to any action taken by the Department after the March 22, 2013, hearing request.

MA Case

The Department testified that Claimant's MA case under the Low-Income Family (LIF) program was initially scheduled to close on May 1, 2013, because Claimant had not submitted requested verifications, and it sent Claimant a March 19, 2013, Notice of Case Action advising her of the closure based on failure to verify. However, after Claimant filed her March 22, 2013, hearing request contesting this action, the Department received the verifications and processed Claimant's MA redetermination. In doing so, the Department concluded that Claimant was no longer eligible for MA and sent her a March 26, 2013, Notice of Case Action notifying her of the closure of her MA case because there was a freeze on Adult Medical Program (AMP) enrollment and she was not eligible for other MA coverage because she was not blind, disabled, pregnant or the parent/caretaker relative of a dependent child or within the age requirement. A copy of this Notice was admitted into evidence.

An individual may receive MA coverage if she qualifies under a Family Independence Plan (FIP)-related MA category or an SSI-related MA category. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (October 1, 2010), p. 1. To receive MA under a FIP-related category, the person must have dependent children, be a caretaker relative of dependent children, be under age 21, or be a pregnant or recently pregnant woman. BEM 105, p. 1; BEM 132 (October 1, 2010), p. 1. The evidence at the hearing established that Claimant did not meet any of these eligibility criteria. AMP provides limited medical services for persons not eligible for MA coverage. BEM 100 (June 1, 2012), p. 4. The AMP program was closed to new enrollees at the time the Notice of Case Action advising Claimant of her ineligibility was sent. Therefore, the Department acted in accordance with Department policy when it closed Claimant's MA case.

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 acted in accordance with Department policy when it closed Claimant's MA case and resolved the

FAP issues raised in Claimant's hearing request prior to the hearing. Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: May 2, 2013

Date Mailed: May 2, 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/pf

cc:

