

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

IN THE MATTER OF:



Reg. No.: 201341037
Issue No.: 2018; 3008
Case No.: [REDACTED]
Hearing Date: May 13, 2013
County: Wayne (15)

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 May 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) cases?

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 MA and FAP.
2. On March 4, 2013, in connection with a FAP redetermination, the Department sent Claimant a Verification Checklist (VCL) requesting documentation of Claimant's end of spousal support by March 14, 2013.
3. Claimant sent a copy of the court order concerning her spousal support by the due date and faxed it to the Department on March 25, 2013.
4. On April 1, 2013, the Department closed Claimant's FAP case.

5. On April 1, 2013, the Department sent Claimant a Notice of Case Action closing the MA case for her and her children, because the parties were not “under 21, pregnant, or a caretaker of a minor child in your home not over 65(aged), blind, or disabled.” The Department also referenced the fact that the spousal support order had not been timely submitted.
6. On April 9, 2013, Claimant filed a hearing request, protesting the Department’s closure of her FAP and MA cases.

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, R 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.

Additionally, Claimant requested a hearing concerning the Department’s closure of her FAP and MA cases.

Closure of FAP Case

The Department testified that, in connection with Claimant’s March 2013 FAP redetermination, it sent Claimant a March 4, 2013 VCL seeking verification of the termination of her spousal support by March 14, 2013. The Department testified that, because it did not receive a copy of spousal support order showing the end of Claimant’s spousal support until March 25, 2013, it closed Claimant’s FAP case because the verification was not timely submitted. For FAP redeterminations, verifications must be provided by the end of the current benefit period **or** within 10 days after they are requested, whichever allows more time. BAM 210 (November 2012), p 12. Because Claimant provided the support order showing that her spousal support expired in January 2013 on March 25, 2013, before her FAP benefit period expired on March 31, 2013, the Department did not act in accordance with Department policy when it closed Claimant’s FAP case.

Closure of MA Case

On April 1, 2013, the Department sent Claimant a Notice of Case Action informing her that, effective May 1, 2013, the MA cases for all of her and her children would close

because none of the group members was “under 21, pregnant, or a caretaker of a minor child in your home not over 65(aged), blind, or disabled.” Claimant credibly testified that she had two minor children in her home. Thus, Claimant and her children met the eligibility criteria for FIP-related MA coverage. See BEM 105 (October 2010), p 1; BEM 132 (October 2010), p 1. As such, the Department did not act in accordance with Department policy when it closed Claimant’s MA case based on these eligibility criteria.

The Department worker’s notes on the Notice of Case Action also reference the fact that Claimant did not timely submit the verification concerning her loss of spousal support. However, the Department acknowledged that a copy of the verification was received on March 25, 2013. The Department did not act in accordance with Department policy when it notified Claimant on April 1, 2013 of the intended closure of her MA case on May 1, 2013 when it had the verification it requested from Claimant on March 25, 2013, before it sent out the Notice of Case Action. See BAM 220 (November 2012), p 10.

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 not act in accordance with Department policy when it closed Claimant’s FAP and MA cases. Accordingly, the Department’s decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant’s FAP case effective April 1, 2013;
2. Reinstate Claimant’s MA case for her and her children effective May 1, 2013;
3. Begin reprocessing Claimant’s FAP redetermination in accordance with Department policy;
4. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from April 1, 2013, ongoing;
5. Provide MA coverage to Claimant and her children that they were eligible to receive but did not from May 1, 2013, ongoing; and

6. Notify Claimant of its FAP decision in writing in accordance with Department policy.



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

Date Signed: 5/21/2013

Date Mailed: 5/21/2013

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:

