

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

IN THE MATTER OF:



Reg. No.: 201341083
Issue No.: 3000; 2012
Case No.: [REDACTED]
Hearing Date: May 16, 2013
County: Wayne (17)

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 16, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's brother and Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits for April 1, 2013, ongoing?

Did the Department properly process Claimant's application for Medical Savings Program (MSP) benefits under Medical Assistance (MA)?

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 is an ongoing recipient of FAP benefits.
2. The Department determined that, effective April 1, 2013, Claimant was eligible for monthly FAP benefits of \$16.
3. In March 2013, Claimant filed an application for MSP benefits.

4. On April 15, 2013, Claimant filed a request for hearing disputing the Department's actions, alleging that the Department used inaccurate income figures so that he was "not receiving all entitled benefits."

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.

FAP Benefits

The evidence at the hearing established that Claimant's AHR had completed the March 1, 2013 Semi-Annual Contact Report, indicating that there were changes in income. At the hearing, Claimant's AHR testified that he had included with the completed Semi-Annual Contact Report earned income statements for Claimant and a letter from the Social Security Administration concerning Claimant's Retirement, Survivors and Disability Income (RSDI) benefits. He provided a copy of those documents to the Department at the hearing. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning Claimant's FAP benefits. Consequently, the Department agreed to do the following: (1) recalculate Claimant's FAP budget for April 1, 2013, ongoing, to reflect the earned and unearned income information from the documentation provided to the Department by Claimant's AHR; (2) issue FAP supplements to Claimant for any FAP benefits he is eligible to receive but did not from April 1, 2013, ongoing; and (3) notify Claimant and Claimant's AHR in writing of its decision in accordance with Department policy.

Claimant's AHR was advised that Claimant could request a hearing if he disputed the Department's recalculation of the FAP benefits.

MSP Benefits

While the hearing request did not indicate that a hearing for MSP benefits was requested, Claimant marked off "other" on his hearing request, and, at the hearing,

Claimant's AHR indicated that a hearing was also requested concerning Claimant's eligibility for MSP benefits.

At the hearing, Claimant's AHR established that he had submitted an application for MSP benefits for Claimant in March 2013. The Department must certify program approval or denial of an MA application within 45 days. BAM 115 (January 2013), p 13. The Department must send a client a notice that an application is approved or denied. BAM 220 (November 2012), p 2.

In this case, no evidence was presented that Claimant's MSP application was processed as of the hearing date. Thus, the Department did not act in accordance with Department policy when it failed to timely process Claimant's MSP application and notify him of its decision.

DECISION AND ORDER


The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing concerning Claimant's FAP case.

The Administrative Law Judge further finds, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, that the Department did not act in accordance with Department policy when it failed to process Claimant's MSP application. Accordingly, the Department's MSP 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. Begin recalculating Claimant's FAP budget for April 1, 2013, ongoing to reflect the earned and unearned income information from the documentation provided to the Department by Claimant's AHR;
2. Issue FAP supplements to Claimant for any FAP benefits he is eligible to receive but did not from April 1, 2013, ongoing;
3. Begin reprocessing Claimant's March 2013 MSP application;
4. Provide Claimant with MSP coverage he is eligible to receive based on the date of application;
5. Notify Claimant and Claimant's AHR in writing of its FAP and MSP decisions; and

6. Do all of the foregoing in accordance with Department policy.


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

Date Signed: 5/24/2013

Date Mailed: 5/24/2013

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 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:

