

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

IN THE MATTER OF:

██████████
██████████████████
████████████████████

Reg. No.: 2013-47963
Issue Nos.: 3000, 4003
Case No.: ██████████
Hearing Date: June 13, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 June 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|--|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input checked="" type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 checked="" type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On April 30, 2013, Claimant withdrew his SDA application by telephone instructions to the Department.
3. On June 1, 2013, the Department
 denied Claimant's application closed Claimant's FAP case
due to a determination that he lived in a facility which provided him with room and board.
4. On May 21, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure of FAP benefits.
5. On May 13, 2013, Claimant filed a hearing request, protesting the
 denial of the SDA application and closure of the FAP case.

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 State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, Rule 400.3151 through Rule 400.3180.

Additionally, Bridges Administrative Manual (BAM) 110, "Application Filing and Registration," states that customers may withdraw an application at any time before it is acted upon in the Department's Bridges computer system. The evidence in this case indicates that on April 30, 2013, the Claimant called the Department and requested to withdraw his application. This fact is evidenced by the Department's Notice of Case Action dated April 30, 2013, which states that the reason for the closing of his application is, "You requested that your assistance be stopped." Also, the evidence of record contains an email from Susan Yenglin, who helped Claimant prepare a Medicaid application. The Yenglin email is dated April 29, 2013, and indicates that Claimant is applying only for the Adult Medical Program. Department of Human Services Bridges Administrative Manual (BAM) 110 (2013), p. 15; Dept. Exh. 1, pp. 1, 31, 37-38.

Based on this evidence of record and all of the evidence in this case considered as a whole, it is found and determined that the Claimant withdrew his SDA application and it was not processed for this reason. Accordingly, the Department's decision not to process Claimant's SDA application was correct and shall be upheld.

Next, with regard to food assistance, the Department's Notice of Case Action of April 21, 2013, states that Claimant's benefits were terminated because he failed to verify necessary information by May 10, 2013. However, at the time Claimant lived at Sequoia House in Pontiac. The facility provides food to its residents, and residents are therefore not eligible for FAP benefits, regardless of whether they verify information. Department of Human Services Bridges Eligibility Manual (BEM) 212 (2012). The fact that the Department gave a wrong reason for its action, is not sufficient to justify overturning their action if it is a correct one.

Accordingly, based on all of the evidence in this case considered as a whole, it is found and determined that the Department acted correctly in closing Claimant's FAP benefits. The Department's action is affirmed.

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.

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.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 18, 2013

Date Mailed: June 18, 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 affect the substantial rights of the claimant,
 - 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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]