

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

IN THE MATTER OF:



Reg. No.: 201318951
Issue No.: 4008; 5003
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Macomb 20

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 5, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist (ES) [REDACTED].

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 type="checkbox"/> Food Assistance Program (FAP)? | <input checked="" type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input checked="" type="checkbox"/> State Emergency Relief (SER)? |

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 type="checkbox"/> Food Assistance Program (FAP). | <input checked="" type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input checked="" type="checkbox"/> State Emergency Relief (SER). |

2. There is no DHS-1605, Notice of Case Action in evidence. The Department's hearing summary indicates that on December 18, 2012, the Department denied Claimant's application "for cash assistance," closed Claimant's case due to the Claimant not being eligible as he is not blind, disabled, a dependent child or a caretaker of a dependent child, not pregnant, not a refugee nor does he have a qualifying relationship to other household members.
3. There is no DHS-1605, Notice of Case Action in evidence. The Department's hearing summary indicates that on December 5, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure.
4. On December 14, 2013, Claimant filed a hearing request, protesting the denial of the application and indicating that he was disabled. closure of the 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

☒ 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, R 400.3151 through Rule 400.3180.

☒ The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by 1999 AC, R 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

During the hearing, the Administrative Law Judge examined the Department's Exhibit 1, which consisted of three pages from the Claimant's DHS-1171, Assistance Application. It indicated that the Claimant had also applied for SER. The ES at the hearing testified that the Claimant was not protesting any SER determination. The Claimant testified that though he was found to be eligible for FAP and his "cash assistance" was denied, he applied for SER for a water bill and no eligibility determination was ever made on that application. There was no DHS-1605, Notice of Case Action in evidence. Bridges Administrative Manual (BAM) 115 (2013) p.1 provides that the Claimant must complete and sign one of the following application forms and one such form is the DHS-1171, Assistance Application for *all* programs. The local office must assist clients who need and request help to complete the application form. The Claimant's DHS-1171, Assistance Application in evidence clearly indicates that he is seeking SER assistance and it also indicates that the Claimant needs to complete an SER supplemental application. There is no evidence in the record that the Claimant was even given an SER supplemental application and the Claimant maintains his Claimant's DHS-1171, Assistance Application for SER was not processed. It is the Department that bears the burden of proving that it is acting in accordance with its policy when taking negative action on the Claimant's case. In this case, there is no evidence indicating that the Department processed the Claimant's SER application.

Bridges Eligibility Manual (BEM) 105 (2010) p. 1, 2 provides, in pertinent part, that 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. Persons may qualify under more than one MA category. BEM 214 (2010) p. 1 provides, in pertinent part, that SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. In this case, however, the Claimant's DHS-1171, Assistance Application clearly indicates that he reported that no one in his group was unable to work due to a physical or mental disability. It is not contested that the Claimant was seeking assistance based on his disability. When asked why it is that he did not report he was disabled, the Claimant testified that he must have misunderstood that question. Based on the Claimant's testimony and his DHS-1171, Assistance Application, the Administrative Law Judge determines that it is completely reasonable that the ES concluded that the Claimant was not eligible for SDA as he was not disabled and he had not applied for any category of MA. Therefore, when the Department took

action to deny the Claimant's application for SDA, the Administrative Law Judge concludes that the Department was acting in accordance with its policy.

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 failed to process Claimant's application properly closed Claimant's case improperly closed Claimant's case for: AMP FIP FAP MA SDA SER.

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 finds that the Department did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA SER decision is AFFIRMED **REVERSED**.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is **AFFIRMED** REVERSED.

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

1. Initiate action to process the Claimant's application for SER back to his original application date, and
2. Initiate action to issue the Claimant any supplement he may thereafter be due.

/s/
Susanne E. Harris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/6/13

Date Mailed: 6/7/13

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

SEH/tb

cc:

