

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-35461  
Issue Nos.: 2018, 3000  
Case No.: [REDACTED]  
Hearing Date: June 20, 2013  
County: Wayne (82-31)

**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 June 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

1. Did the Department properly provide Medical Assistance (MA) coverage to Claimant's daughter?
2. Did the Department properly process Claimant's Food Assistance Program (FAP) application?

**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's daughter was an ongoing recipient of MA coverage.
2. On February 22, 2013, Claimant applied for FAP benefits.
3. Claimant was approved for expedited FAP benefits and received benefits for the period between February 22, 2013, and March 31, 2013, pending verification of certain requested information.

4. On March 7, 2013, Claimant filed a hearing request, protesting 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's March 7, 2013, hearing request did not specify the Department programs at issue. At the hearing, Claimant testified that she had requested a hearing because her FAP case and her daughter's MA case had been closed. Although Claimant also had concerns about her worker's professionalism and conduct, Claimant was advised that personnel issues are not addressed through administrative hearing. See Mich Admin Code R 400.903(1).

#### **Daughter's MA Coverage**

The Department failed to provide any relevant Notices of Case Action with its hearing packet. During the hearing, the Department was asked to fax a copy of the February 25, 2013, Notice of Case Action tied to Claimant's hearing request. Instead, the Department provided a Notice of Case Action dated March 12, 2013. However, the Department's testimony and exhibits, viewed as a whole, established that Claimant's daughter had ongoing, uninterrupted MA coverage under the Other Healthy Kids (OHK) program. Therefore, the Department resolved the issue that resulted in Claimant's May 20, 2013, hearing request. Thus, Claimant was no longer an aggrieved party with respect to her daughter's MA case as of the hearing date. See Mich Admin Code R 400.903(1); BAM 600 (February 2013), p. 1.

#### **FAP Case**

Claimant filed a FAP application on February 22, 2013, and was approved for expedited FAP benefits. FAP applicants eligible for expedited service, which provides for a

shortened standard of process, must verify identity, and the Department makes a reasonable effort to verify income, assets and other eligibility factors. BAM 117 (July 2011), p. 3. FAP groups that do not provide all required verifications are not issued benefits for subsequent months until they provide the waived verification or complete a redetermination. BAM 117, p. 4. If the client fails to verify requested information by the 10th day following the request (or by the extended date, if granted), the benefit period will expire at the end of the expedited month(s) unless the verification is returned within 30 days of the date of the application and the application is subject to subsequent processing. BAM 117, pp. 4-5.

The Department testified that, because she had failed to provide requested verifications and because of a child support sanction, Claimant received FAP benefits through March 2013 but was notified on March 12, 2013, that her FAP case would close. Because no action closing Claimant's FAP case had been taken when Claimant filed her request for hearing on March 7, 2013, the Department had properly not addressed the FAP case closure in its hearing summary. Therefore, this issue was not addressed at the hearing.

### **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 and resolved any issues concerning Claimant's daughter's MA coverage and had not taken any adverse action with respect to Claimant's FAP case at the time Claimant filed her March 7, 2013, hearing request.

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: June 24, 2013

Date Mailed: June 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 affect 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:

