

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

IN THE MATTER OF:



Reg. No.: 2013-53391
Issue Nos.: 2008, 3008
Case No.: [REDACTED]
Hearing Date: July 17, 2013
County: Macomb (50-20)

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 July 17, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

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 June 7, 2013, the Department sent Claimant a Notice of Case Action notifying her that, due to failure to provide requested verifications, her FAP case was closing effective June 30, 2013, and her MA case was closing effective July 31, 2013.
3. On June 18, 2013, Claimant filed a hearing request, protesting the denial of her MA application and the closure of her FAP case.

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.

Additionally, the Department did not provide a copy of the relevant Notice of Case Action that resulted in Claimant's hearing request with its hearing packet but testified that it sent Claimant a Notice of Case Action on June 7, 2013, notifying her of the closure of her FAP and MA cases due to failure to provide requested verifications. According to the Department, the FAP case was due to close on June 30, 2013, and the MA was due to close on July 31, 2013. Claimant testified that she was not aware that she had an active MA case and requested a hearing on June 18, 2013, concerning the denial of an application for MA and the closure of her FAP case.


The Department testified that, at the time Claimant submitted her hearing request, she also submitted the documents that had been previously requested and resulted in the closure of her FAP and MA cases. The Department testified that, based on these verifications, it reinstated Claimant's FAP and MA cases. In support of its testimony, the Department presented a June 19, 2013, Notice of Case Action informing Claimant that she was approved for FAP benefits as of June 1, 2013, ongoing. Claimant confirmed that she had received this Notice and that she had received ongoing, uninterrupted FAP benefits. While the Department could not explain why no Notice of Case Action was sent to Claimant concerning the reinstatement of her MA case, it presented an eligibility summary showing that Claimant had active, ongoing full-coverage MA from May 1, 2013, ongoing, with no interruption in coverage. In light of this evidence, the Department established that, even though Claimant's MA and FAP cases were due to close, it reinstated Claimant's cases upon receipt of the verifications and Claimant did not have an interruption in MA and FAP benefits. Accordingly, Claimant was not aggrieved with respect to the Department's actions concerning her FAP and MA cases as of the hearing date. See Mich Admin Code R 400.903(1); BAM 600 (October 1, 2012), p. 1.

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 acted properly with respect to Claimant's FAP and MA cases.

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 when it reinstated Claimant's FAP and MA cases.

Accordingly, the Department's FAP and MA decision is AFFIRMED.


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

Date Signed: July 22, 2013

Date Mailed: July 23, 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

2013-53391/ACE

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

