

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

IN THE MATTER OF:

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

Reg. No.: 2013-54977
Issue Nos.: 1021;2000;3000
Case No.: ██████████
Hearing Date: July 25, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 conducted from Detroit, Michigan on July 25, 2013. Claimant appeared and testified. Participants on behalf of the Department of Human Services ("Department") included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA), Food Assistance Program (FAP) and State Disability Assistance (SDA) 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 FAP benefits.
2. On an unverified date, Claimant submitted an application for MA and SDA.
3. As of the date of the request for hearing, there was no negative action taken with respect to Claimant's MA case.
4. The Department denied Claimant's SDA application.

5. On June 19, 2013, Claimant submitted a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

FAP

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 Rule 400.3001 through Rule 400.3015.

The hearing was requested to dispute the Department's action taken with respect to Claimant's FAP benefits. Shortly after commencement of the hearing, Claimant testified that she was currently receiving FAP benefits and was satisfied with the amount of benefits she was receiving and that she no longer had any issues to address with respect to her FAP case. Claimant stated that she understood and was satisfied with the actions taken by the Department and did not wish to proceed with the hearing concerning her FAP case. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request.

MA

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 Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Bridges Administrative Manual (BAM) 600 (July, 2013), p. 4, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the present case, Claimant requested a hearing regarding a MA application that was submitted to the Department on an unverified date. At the hearing, the Department testified that Claimant's MA application was still pending, as a disability determination has not yet been made by the Medical Review Team (MRT). The Department provided an Eligibility Summary which verifies that as of the request for hearing date, Claimant's MA case under the AD-Care program was still pending. (Exhibit 1). The Department stated that no decision has been made on Claimant's MA application and no negative action has yet been taken by the Department. Claimant also confirmed that she did not receive any negative action notice from the Department regarding her MA application. Therefore, there was no negative action taken by the Department with respect to Claimant's MA case during the 90 days preceding the filing of her hearing request; therefore, her hearing request with respect to MA is DISMISSED for lack of jurisdiction. BAM 600, p 4.

SDA

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 Mich Admin Code, Rule 400.3151 through Rule 400.3180.

In this case, Claimant requested a hearing regarding her SDA application that was denied by the Department. At the hearing, the Department did not have any information regarding this application including when it was submitted and why it was denied. Claimant testified that she did receive a notice informing her of the denial but did not know the exact date of when it was received. The Eligibility Summary establishes that the Department did deny the application. (Exhibit 1). The Department testified that the MRT had not yet made a determination regarding Claimant's disability and was not able to provide an adequate reason for the denial. The Department testified that after the MRT made a determination regarding Claimant's disability, the Department would be able to go back and reinstate Claimant's SDA case. Rather than deny her application, the Department should have kept Claimant's SDA application in pending status until a determination was made by the MRT, just as it did with her MA application. Therefore, the Department did not satisfy its burden in establishing that it acted in accordance with Department policy when it processed Claimant's SDA application.

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 Claimant's hearing request with regards to FAP and MA is DISMISSED.

The Administrative Law Judge further finds that the Department did not act in accordance with Department policy when it denied Claimant's SDA application. Accordingly, the Department's SDA 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. Reregister Claimant's SDA application.
2. Begin reprocessing the application effective the date of application ongoing in accordance with Department policy;
3. Begin issuing supplements to Claimant for any SDA benefits that she was eligible to receive but did not from the date of application ongoing in accordance with Department policy; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun

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

Date Signed: August 2, 2013

Date Mailed: August 2, 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

ZB/cl

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