

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-68354
Issue No.: 2000, 3002, 4000
Case No.: [REDACTED]
Hearing Date: October 10, 2013
County: Wayne (82-35)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUES

1. Did the Department properly issue Claimant's Food Assistance Program (FAP) benefits?
2. Did the Department properly deny Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) applications?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On July 1, 2013, Claimant applied for FAP, MA, and SDA cash assistance.
2. In her application, Claimant identified herself as the sole household member and indicated that she was disabled.
3. On an unknown date, the Department sent Claimant a Notice of Case Action approving her for \$200 in monthly FAP benefits.

4. On August 30, 2013, the Department sent Claimant a Notice of Case Action denying her MA and SDA application on the basis that she was not aged, disabled, blind, under 21, pregnant or the parent/caretaker relative of a dependent child, noting that a disability determination had been made by the Department. The Department also noted that the Adult Medical Program (AMP) was closed to new enrollment.
5. On September 9, 2013, Claimant filed a request for hearing disputing the Department's denial of her FAP, MA and SDA application.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, Claimant's hearing request filed on September 9, 2013, requested a hearing concerning the denial of her MA, FAP and SDA cash assistance applications. In her request for hearing, Claimant indicated that she was disabled and the parent of a minor dependent child.

At the hearing, the Department presented an application Claimant submitted on July 1, 2013. In her application, Claimant identified herself as the head of household but did not identify any other household members.

FAP Benefits

The Department testified that it processed Claimant's application, found her eligible for \$200 in monthly FAP benefits, and had issued \$200 in monthly FAP benefits from July

1, 2013, ongoing. Claimant acknowledged that she had received ongoing, uninterrupted monthly FAP benefits of \$200 since July 2013. The maximum monthly FAP benefit available to a FAP group with a sole member is \$200. RFT 260 (December 2012), p. 1. Because Claimant's application identified her as the only household member, the Department approved Claimant for the maximum FAP benefits available to a one-member FAP group, and Claimant acknowledged that she had received ongoing, uninterrupted FAP benefits of \$200, the Department acted in accordance with Department policy in calculating and issuing Claimant's FAP benefits.

Denial of SDA and MA Application

The August 30, 2013, Notice of Case Action denied Claimant's MA and SDA cash benefits application because Claimant was "not aged, blind, disabled, under 21, pregnant, or parent/caretaker relative of a dependent child" and indicated that a disability determination was made by the Department. The Notice also notified Claimant that she was not eligible for AMP coverage because the program was closed to new enrollment.

In her application, Claimant identified herself as the sole household member. Her age, based on the information she provided on the application, was 44 at the time of application. Claimant identified a disability on her application. She did not list her minor child as a household member.

Based on the information Claimant provided in her application, the Department properly considered her eligibility for cash assistance under the SDA program and her eligibility for MA under an SSI-related category. SDA is a cash assistance program for individuals who are disabled and not otherwise eligible for cash assistance under the Family Independence Program (FIP), which applies to individuals with dependent children. BEM 214 (January 2010), p. 1; BEM 210 (January 2013), p. 1. SSI-related MA is available to clients who are aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (October 2010), p. 1.

In this case, the Department testified that, because Claimant alleged a disability in her application, her medical packet was forwarded to the Medical Review Team (MRT). After MRT found Claimant not disabled and the Department notified Claimant of the denial of cash assistance and MA applications, Claimant filed two hearing requests. The Department had responded to the denial of SDA and MA with respect to the other hearing request and had not included the disability medical packet with the hearing packet presented with respect to Claimant's September 9, 2013, hearing request.

Claimant is entitled to have her disability decision reviewed by the State Hearing Review Team (SHRT) and to a hearing to review SHRT's denial, if any. BAM 600 (February 2013), pp. 21-22. A review of the hearing requests received by the Michigan Administrative Hearing System (MAHS) shows that Claimant had filed a separate request for hearing concerning the denial of the MA and SDA application on the basis that MRT had found no disability. A hearing to address the Department's disability decision will be scheduled, and Claimant will be notified of the hearing by MAHS.

DECISION AND ORDER

Because Claimant has filed a separate hearing request concerning her MA and SDA denial that is being scheduled for a hearing, Claimant's September 9, 2013, request for hearing concerning her MA and SDA application is DISMISSED.

With respect to Claimant's September 9, 2013, request for hearing concerning her FAP case, the Department's FAP decision is AFFIRMED.



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

Date Signed: October 16, 2013

Date Mailed: October 16, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

2013-68354/ACE

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

ACE/pf

cc:

