

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201357622
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 13, 2013
County: SSPC West

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on August 13, 2013. Claimant appeared and testified. The hearing was not started until 1 hour and 45 minutes after the scheduled time. The delay was caused by a combination of the number of hearings this Administrative Law Judge was conducting and misunderstanding an Email from reception that the Claimant had called in. The Department representative who had called in at the time scheduled for the hearing could not be contacted when the hearing began. The hearing was conducted without a Department representative.

ISSUE

Did the Department of Human Services fail to process Claimant's June 12, 2013 Medical Assistance (MA) and Food Assistance Program (FAP) applications?

FINDINGS OF FACT

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

- (1) On June 12, 2013, Claimant submitted on line applications for Medical Assistance (MA), Food Assistance Program (FAP). And State Emergency Relief (SER). The BRIDGES program sent Claimant two Verification Checklists (DHS Form 3503) Claimant's Exhibits 1 & 2. One Verification Checklist (DHS Form 3503) was marked for State Emergency Relief (SER) and the other was marked for Medical Assistance (MA) and Food Assistance Program (FAP). The checklists were mailed in the same envelope.

(2) On July 9, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the Hearing Summary prepared by the Department indicates the case worker believed that Claimant only submitted an SER application on June 12, 2013. Claimant submitted the June 12, 2013, Verification Checklist (DHS Form 3503) for Medical Assistance (MA) and Food Assistance Program (FAP) which was generated and sent to her. Claimant provided credible testimony that her MI BRIDGES account lists three separate application numbers for June 12, 2013: T17200795; T13450718; and T 13544972. The first number listed is the SER application. Based on the evidence and testimony provided by Claimant it is found that she did submit applications for Medical Assistance (MA) and Food Assistance Program (FAP) benefits on June 12, 2013.

The Case Comments – Summary submitted by the Department shows that on November 19, 2012, the Department closed Claimant's Food Assistance Program (FAP) due to excess income and put her on a Medical Assistance (MA) deductible. The notes also show that on January 16, 2013, another Administrative Law Judge issued a Decision and Order that the incomes used in the Department's financial eligibility budgets on November 19, 2012, was incorrect and had to be changed. It is possible that the actions taken in response to the January 16, 2013, Decision and Order caused BRIDGES to mishandle the June 12, 2013, Medical Assistance (MA) and Food Assistance Program (FAP) applications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services failed to process Claimant's June 12, 2013, Medical Assistance (MA) and Food Assistance Program (FAP) applications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **REVERSED**.

It is further ORDERED that the Department reinstate or recreate Claimant's June 12, 2013, Medical Assistance (MA) and Food Assistance Program (FAP) applications and process them in accordance with Department policy.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 08/19/2013

Date Mailed: 08/20/2013

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 receipt 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.

201357622/GFH

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

GFH/sw

cc:

