



4. Claimant's FAP case closed effective August 31, 2013.
5. On September 24, 2013, Claimant filed a request for hearing disputing the Department's actions concerning her MA and FAP cases.

### **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.

Additionally, a client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210 (July 2013), p. 1. FAP and MA benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2.

In this case, the Department testified that Claimant timely submitted her redetermination. In connection with reported income, the Department requested that Claimant's employer complete a Verification of Employment (VOE) by August 19, 2013. Because the Department denied receiving a completed VOE, Claimant's FAP case was not recertified and her FAP benefits stopped as of August 31, 2013.

In her request for hearing filed on September 24, 2013, Claimant indicated that she had provided all the requested documentation by mail and would submit copies at the drop box the next day. On September 25, 2013, the Department received a copy of the VOE that was completed by the employer on August 13, 2013. Although the Department initially denied receiving the paystubs referenced in the VOE, it testified at the hearing that Claimant provided the paystubs on September 25, 2013. Because Claimant provided evidence to support her timely submission of the VOE, the Department acknowledged that it did not act in accordance with Department policy when it failed to continue to process Claimant's redetermination and stopped her FAP issuances.

At the hearing, the Department presented evidence that Claimant and her one-year-old child had received ongoing MA coverage through the Low-Income Families (LIF) program through October 31, 2013, and under the Transitional Medicaid (TMA) program effective November 1, 2013, ongoing. However, the Department acknowledged that it did not act in accordance with Department policy when it failed to add Claimant's newborn, whom Claimant had identified in her redetermination, to her MA case. See BEM 110 (June 2013), p. 5; BEM 111 (October 2012), p. 2; BEM 145 (October 2010), p. 1.

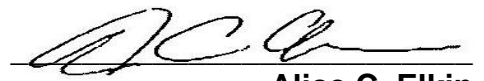
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it stopped Claimant's FAP benefits and failed to add Claimant's newborn to her MA case.

**DECISION AND ORDER**

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FAP case effective September 1, 2013;
2. Reprocess Claimant's redetermination;
3. Issue supplements to Claimant for any FAP benefits she was eligible to receive but has not from September 1, 2013, ongoing;
4. Provide Claimant's newborn with MA coverage she is eligible to receive from September 1, 2013, ongoing; and
5. Notify Claimant in writing of its decision.

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

Date Signed: November 7, 2013

Date Mailed: November 7, 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:

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

ACE/pf

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]