

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

**IN THE MATTER OF:**

██████████  
██████████████████  
██

Reg. No.: 2014-2433  
Issue No.: 2018;3019  
Case No.: ██████████  
Hearing Date: November 4, 2013  
County: Wayne (19)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**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 November 4, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Eligibility Specialist and ██████████ ██████████, Family Independence Manager.

**ISSUE**

Did the Department properly process Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits?

**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 an unverified date, Claimant submitted an application for FAP and MA benefits for herself and her children.
2. On July 19, 2013, the Department sent Claimant a Notice of Case Action informing her that her FAP was denied on the basis that she requested her assistance be stopped and MA benefits were denied on the basis that Claimant was ineligible for any MA program. (Exhibit 2)
3. On September 30, 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), 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).

### **FAP**

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.

Claimant requested a hearing regarding actions taken by the Department with respect to her FAP application. At the hearing, the Department testified that the application was registered and processed and that Claimant was approved for benefits in the amount of [REDACTED] for a group size of 1. The Department stated that prior to sending Claimant a Notice of Case Action regarding the approved FAP benefits of [REDACTED] it was informed by Claimant that she did not want to have a FAP case open for that amount and that she requested her case be closed. Claimant confirmed the Department's testimony at the hearing. Therefore, the Department acted in accordance with Department policy when it denied Claimant's FAP application on the basis that she requested to have her case closed. Claimant was informed that she could reapply for FAP benefits for herself and her children at any time.

### **MA**

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.

Claimant requested a hearing disputing the Department's denial of her applications for MA benefits. At the hearing, the Department testified that Claimant's applications were denied because she does not meet the criteria for eligibility for MA under any of the programs. (Exhibits 1). The Department testified that Claimant's was not eligible for the Adult Medical Program (AMP) because at the time of her application, the program was closed to new enrollments. BEM 640 (July 2013). Additionally, the Department stated that because Claimant is not under 21, pregnant or a caretaker of a minor child, over 65 years of age, blind and did not indicate she was disabled on her application, she does not qualify for MA under any of the other MA programs available. BEM 211 (July 2013); BEM 110 (July 2013); BEM 125 (July 2013); BEM 126 (July 2013); BEM 132 (July 2013); BEM 135 (July 2013); BEM 163 (July 2013); BEM 166 (July 2013).

Claimant disputed the Department's assertion that she was not the caretaker of any minor children and stated that her children reside with her four days a week. The Department testified that because Claimant's children were receiving MA benefits on a case with their father and because he submitted his application first, he was considered the primary caretaker for MA purposes. (Exhibit 1). Claimant testified that she was awarded physical custody of the children for 208 days of the year and that the children's address for school purposes is listed as her home address. (Exhibit A). Although the court order submitted by Claimant in support of her testimony is not signed by a judge, there is sufficient evidence to establish that a determination regarding primary caretaker is needed in this case. BEM 211, pp.2-3;BEM 135, pp. 4-7.

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 acted in accordance with Department policy when it denied Claimant's FAP application based on her request to have her benefits terminated and that the Department did not act in accordance with Department policy when it determined that Claimant was ineligible for MA as she was not the caretaker of minor children.

### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED IN PART with respect to FAP and REVERSED IN PART with respect to MA.

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. Register and reprocess Claimant's MA application for herself and her children;
2. Initiate an investigation to determine the primary caretaker of Claimant's children and take the appropriate administrative actions to resolve the issue;
3. Issue supplements to Claimant for any MA benefits that she was eligible to receive but did not as of the application date, ongoing; and
4. Notify Claimant in writing of its decision.



---

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

Date Signed: November 5, 2013

Date Mailed: November 6, 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

ZB/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]