

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

**IN THE MATTER OF:**

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

Reg. No.: 2014-5358  
Issue Nos.: 1005, 2006, 3008  
Case No.: ██████████  
Hearing Date: November 18, 2013  
County: Wayne (82-43)

**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 November 18, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ ██████████  
████████████████████

**ISSUE**

Did the Department properly issue to Claimant ongoing Food Assistance Program (FAP) and Family Independence Program (FIP) benefits and Medical Assistance (MA) coverage for her children?

**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 is an ongoing recipient of FIP, FAP and MA benefits for herself and her two daughters.
2. On or about August 19, 2013, Claimant timely submitted a completed redetermination concerning her household's ongoing FIP, FAP and MA eligibility.
3. On September 3, 2013, the Department sent Claimant a Notice of Missed Interview.

4. On September 5, 2013, the Department called Claimant for her redetermination interview.
5. On September 30, 2013, the Department sent Claimant a Notice of Case Action notifying her that for October 1, 2013, ongoing, she was approved for ongoing FIP and FAP benefits and her 17-year-old daughter was approved for ongoing MA.
6. On September 30, 2013, Claimant filed a request for hearing disputing the closure of her FIP, FAP and MA 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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, on August 13, 2013, the Department sent Claimant a redetermination form for completion concerning her ongoing FIP, FAP, and MA eligibility. Because Claimant is an SSI recipient, the redetermination addressed Claimant's daughters' ongoing MA eligibility. Claimant filed a hearing request on September 30, 2013, after she was notified by a Notice of Missed Interview sent to her by the Department on September 3, 2013, that her FAP case would close at the end of the month because she had missed her interview.

At the hearing, the Department acknowledged that Claimant timely submitted her completed redetermination and that she participated in the required interview on September 5, 2013, two days later than the scheduled interview date due to its delay in

calling her. The Department sent Claimant a Notice of Case Action on September 30, 2013, notifying her that, effective October 1, 2013, she was approved for ongoing FIP and FAP benefits and her 17-year-old daughter was approved for MA under the Low-Income Family (LIF) program.

During the hearing, the Department testified that Claimant had received ongoing, uninterrupted benefits and presented evidence that it had recertified Claimant's cases and, effective as of October 1, 2013, approved Claimant for ongoing monthly FAP benefits of \$379 and ongoing monthly FIP benefits of \$158. The Department also presented evidence that it had recertified Claimant's 17-year-old-daughter's MA case and she was receiving ongoing MA coverage under the LIF program. In response to Claimant's concerns regarding her 19-year-old daughter's MA coverage, the Department presented documentation showing that she had been receiving MA under the Group 2 Under 21 (G2U) program since March 1, 2013, [REDACTED] [REDACTED] [REDACTED]

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 processed Claimant's redetermination and issued ongoing, uninterrupted FAP and FIP benefits to Claimant and MA coverage to Claimant's 17-year-old daughter under the LIF program.

### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: November 21, 2013

Date Mailed: November 21, 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]  
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