

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-5398
Issue No(s): 2018, 2000, 3003, 5000
Case No.: [REDACTED]
Hearing Date: November 7, 2013
County: Ingham

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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, telephone hearing was held on November 7, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] the Claimant, and [REDACTED] [REDACTED] Interpreter. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Eligibility Specialist, and [REDACTED] [REDACTED] Assistance Payments Supervisor.

ISSUES

- 1) Did the Department properly deny the Medical Assistance (MA) application the Claimant filed for [REDACTED], the father of their children, because he already has an active MA case?
- 2) Did the Department properly calculate the Claimant's Food Assistance Program (FAP) monthly allotment?

FINDINGS OF FACT

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

1. The Claimant applied for MA for [REDACTED].
2. On September 27, 2013, the Department issued a Notice of Case Action to the Claimant, in part, stating MA was denied for [REDACTED] because he already has an active MA case. (Exhibit 1, pages 1-2)
3. The Department calculated the Claimant's monthly FAP allotment based on a group size of three due to an error that took [REDACTED] out of the FAP group.

4. On September 27, 2013, the Department issued a Notice of Case Action to the Claimant, in part, stating that the monthly FAP allotment would decrease to \$ [REDACTED] per month effective October 1, 2013 based on a group size of three. (Exhibit 1, pages 1-2)
5. On October 15, 2013, the Claimant filed a Request for Hearing contesting the Department's actions.¹
6. The Department has since corrected the error with the FAP group size and recalculated the Claimant's monthly FAP allotment based on a group size of four.
7. On October 10, 2013, the Department issued a FAP supplement to the Claimant of \$ [REDACTED]

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, upon certification of eligibility results, Bridges automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action. BAM 220

¹ The Claimant's hearing request indicates she was also contesting the Department's actions regarding a State Emergency Relief (SER) request and the determination that the Claimant would have a monthly Medicaid deductible of \$ 128 effective November 1, 2013. However, the Department approved the Claimant's SER request and the payment is being processed. (Exhibit 1, page 4; Eligibility Specialist Testimony) Additionally, the Claimant's Medicaid eligibility status has changed to Transitional Medical Assistance (TMA/TMA-Plus) effective November 1, 2013, for which there is no deductible. (Assistance Payments Supervisor Testimony) The Claimant testified this resolved the issue regarding her Medicaid status. Accordingly, the Claimant's appeal is dismissed in regards to the SER request and the Claimant's Medicaid case because there are no longer any contested issues for this ALJ to review on those cases.

The Eligibility Specialist testified that the MA application the Claimant filed for [REDACTED] was denied because [REDACTED] already has a separate active MA case and provided his MA case number. In her testimony, the Claimant clarified that [REDACTED] is not her husband, but is the father of their children. The Claimant was not aware that [REDACTED] had an active MA case. The Eligibility Specialist confirmed that since the Claimant and [REDACTED] are not married, [REDACTED]'s MA case would have to remain separate. The Eligibility Specialist and Assistance Payments Supervisor confirmed that [REDACTED]'s separate MA case was still active as of the November 7, 2013, hearing date.

The Department properly denied the Claimant's MA application for [REDACTED] because [REDACTED] already has a separate, active MA case.

The Eligibility Specialist testified that the Claimant had been receiving a monthly FAP allotment of \$[REDACTED]. The Eligibility Specialist explained there was an error that took [REDACTED] out of the FAP group, resulting in the September 27, 2013, Notice of Case Action stating, in part, that the monthly FAP allotment would decrease to \$[REDACTED] per month effective October 1, 2013, based on a group size of three. (Exhibit 1, pages 1-2) However, Eligibility Specialist testified that the Department has since corrected the error and recalculated the Claimant's monthly FAP allotment based on a group size of four. The Claimant's new monthly FAP allotment is \$[REDACTED] and a supplement was issued on October 10, 2013 for \$[REDACTED] for the month of October 2013. The Eligibility Specialist also explained the reason the Claimant's new FAP allotment is less than what the Claimant was receiving previously for the group size of four. There were changes in the FAP policy that went into effect October 1, 2013, regarding standard deductions utilized in calculating FAP budgets. These types of mass, statewide policy changes are not appealable issues.

The Claimant testified that she does not make enough and is getting behind in bills every month. The Claimant also stated she has not seen the FAP supplement added to the available balance on her Bridge card.

The evidence indicates that the Department erred by removing [REDACTED] from the FAP group and reducing the Claimant's monthly FAP allotment effective October 1, 2013, based on a group size of three. However, the Department has since corrected the error and recalculated the Claimant's monthly FAP allotment based on a group size of four. This resulted in an increase in the Claimant's monthly FAP allotment to \$[REDACTED]. The Department has submitted sufficient evidence that the Claimant's monthly FAP allotment has been correctly recalculated. The Department has also presented sufficient evidence that the FAP supplement of \$[REDACTED] for the month of October 2013 was issued to the Claimant on October 10, 2013. (Exhibit 1, page 3)

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 the MA application for [REDACTED] because he already had a separate active MA case and when it recalculated the Claimant's FAP allotment to correct the group size error.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 13, 2013

Date Mailed: November 13, 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

CL/las

cc:

