

1. On August 15, 2013, Claimant filed an online application for MA coverage and SER assistance with electric, water and mortgage foreclosure.
2. On September 13, 2013, Claimant filed another application for SER assistance with, in part, utility services.

3. In August or September 2013, Claimant applied for SER assistance with furnace repair/replacement.
4. On October 3, 2013, the Department sent Claimant a SER Decision Notice notifying Claimant that it would pay \$450 to Claimant's electric services provider upon Claimant's payment of \$278.48. (Exhibit 1)
5. On October 3, 2013, the Department sent Claimant a Notice of Case Action denying Claimant and his wife MA coverage under the Low Income Family (LIF) program.
6. On October 10, 2013, Claimant filed a request for hearing disputing the Department's actions concerning his SER, Food Assistance Program (FAP), MA and cash assistance applications.

### **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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

Additionally, Claimant requested a hearing concerning his FAP, MA, SER and cash assistance applications. At the hearing, Claimant testified that the Department had approved his FAP application and he did not wish to address any FAP issues in his

hearing. Accordingly, Claimant's hearing request concerning FAP is dismissed. The hearing proceeded to address Claimant's MA, SER and cash assistance applications.

### **MA Application**

Claimant applied for MA for himself and his wife on August 15, 2013. An individual may receive MA coverage if she qualifies under a FIP-related MA category or an SSI-related MA category. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (October 2010), p. 1. To receive MA under a FIP-related category, the person must have dependent children, be a caretaker relative of dependent children, be under age 21, or be a pregnant or recently pregnant woman. BEM 105, p. 1.

In an October 3, 2013, Notice of Case Action, the Department denied Claimant's MA application under the LIF program because no one in the group was an eligible child and because Claimant failed to verify requested information. The LIF-MA program is a FIP-related MA category, and coverage under the LIF program is available only to individuals with a dependent child in the home. BEM 110 (July 2013), pp. 5-6, 8-9. Because Claimant and his wife applied for MA only for themselves and verified that they do not have minor children in the home and Claimant's wife is not pregnant, they are not eligible for MA coverage under the LIF program. Thus, the Department acted in accordance with Department policy when it denied their MA eligibility under the LIF program.

At the hearing, Claimant and his wife alleged that they were disabled and that they identified themselves as disabled in their August 15, 2013, application. The Department denied that there was any indication that Claimant and his wife were disabled in the August 15, 2013, application, only in a subsequent October 3, 2013, application. The Department provided a copy of Claimant's August 15, 2013, online application. On page 6 of the application, both Claimant and his wife replied "yes" under the question "blind or disabled?" They also indicate that they applied for disability benefits with the Social Security Administration and had appealed the denial of their applications. (Exhibit 3, pp. 8-9) Because Claimant and his wife identified themselves as disabled, the Department is required to consider their MA eligibility on the basis of disability as of the date of the August 15, 2013, application. Because the Department testified that it had not processed Claimant's and his wife's eligibility for disability-based MA based on the August 15, 2013, application, the Department did not act in accordance with Department policy.

### **Cash Assistance Application**

Cash assistance under the SDA program is available to an individual who is disabled, caring for a disabled person or age 65 or older. BEM 261 (July 2013), p. 1. In this case, Claimant testified that he and his wife were seeking cash assistance under the SDA program on the basis that they were both disabled. A review of the August 15, 2013, application reveals that Claimant did not request cash assistance. (Exhibit 3, pp. 1, 4, 50) Because no cash assistance was requested, the Department acted in

accordance with Department policy when it did not process that application for SDA eligibility.

The Department testified that Claimant and his wife had reapplied on October 3, 2013, for both MA and SDA and their medical packet had been referred to the Medical Review Team (MRT) for assessment of eligibility on the basis of disability. This Hearing Decision does not affect the Department's decision on that subsequently filed application.

### **SER Application**

At the hearing, Claimant and his wife clarified that they had requested a hearing concerning their SER applications for assistance with utility bills and with a furnace repair/replacement.

While the Department denied receiving any SER application for utility assistance or furnace repair/replacement, a copy of the August 15, 2013, application provided by the Department showed that Claimant requested assistance with utility services (water or sewage) in that application. (Exhibit 3, pp. 1, 10) Claimant's wife credibly testified that they had requested SER assistance for their outstanding water bills with the September 13, 2013, application as well and had requested assistance for furnace repair/replacement in August or September 2013.

The Department must process an SER application within 10 calendar days from the date the signed SER application is received in the local office. ERM 103 (March 2013), p. 6. In this case, Claimant's wife credibly testified that they had not received any decision from the Department concerning any application for SER assistance with utilities or furnace repair/replacement. Because the Department did not present any SER decision notice it issued to Claimant addressing requests for utility or furnace repair/replacement assistance, it failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's SER applications for assistance with utilities and with furnace repair/replacement.

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 (i) did not act in accordance with Department policy when it failed to process Claimant's August 15, 2013, application for disability-based MA eligibility, (ii) did act in accordance with Department policy when it did not consider Claimant's and his wife's SDA eligibility where there was no request for cash assistance in the August 15, 2013, application; and (iii) failed to satisfy its burden of showing that it acted in accordance with Department policy in processing Claimant's SER applications for assistance with utilities and furnace repair/replacement.

### **DECISION AND ORDER**

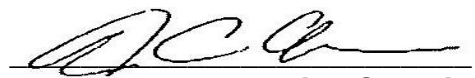
Accordingly, the Department's decision is AFFIRMED IN PART with respect to the lack of action concerning SDA benefits and REVERSED IN PART with respect to failure to

process the August 15, 2013, application for disability-based MA eligibility and any August 2013 and/or September 2013 SER application for utility and furnace repair/replacement

Based on Claimant's agreement on the record, the October 10, 2013, hearing request concerning his FAP case is DISMISSED.

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. Reregister Claimant's August 15, 2013, MA application and SER application for utility assistance;
2. Reprocess the application to determine Claimant's and his wife's eligibility for disability-based MA from the date of eligibility;
3. Provide Claimant and his wife with MA coverage they are eligible to receive from the date of eligibility;
4. Reregister Claimant's August 2013 and/or September 2013 SER applications for assistance with furnace repair/replacement;
5. Reprocess the SER applications;
6. Provide payment for SER benefits Claimant is eligible to receive; and
7. Notify Claimant in writing of its decisions on the MA and SER applications.



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

Date Signed: November 25, 2013

Date Mailed: November 25, 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:

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