

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-5876
Issue No(s): 2001, 2003, 3016
Case No.: [REDACTED]
Hearing Date: November 7, 2013
County: DHS-SSPC West

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

ISSUE

Did the Department properly deny the Claimant's application for Medical Assistance (MA) and Food Assistance Program (FAP)?

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 September 18, 2013, the Claimant applied for MA and FAP.
2. The Claimant reported he is not working, does not have work study, and is attending college full time.
3. On September 26, 2013, the Department issued a Notice of Case Action to the Claimant stating FAP was denied because the Claimant is not an eligible student; Medicaid was denied because the Claimant is not aged, blind, disabled, under 21, pregnant, or parent/caretaker relative of a dependent child; and eligibility was not determined for the Adult Medical Program (AMP) because the program is closed to new enrollment. (Exhibit A, pages 10-11)
4. On October 18, 2013, the Claimant filed a hearing request, protesting the Department's actions. (Exhibit A, page 3)

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 Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

Additionally, Medicaid is available to individuals over age 65, disabled, under 21, pregnant, or parent/caretaker relative of a dependent child. BEM 110, 125, 126, 135, 240, and 260.

For AMP, applications received during a freeze on AMP enrollments must be registered and are to be denied using "applicant did not meet other eligibility requirements" as the denial reason. Applicants must be informed that the reason for denial is an enrollment freeze. BEM 640.

Non-deferred adult members of FAP households must comply with certain work-related requirements in order to receive food assistance. A person is in student status if he is age 18-49 and enrolled half time or more in regular curriculum at a college or university that offers degree programs. The criteria for a person in student status to be eligible for FAP includes but is not limited to receiving FIP, being physically or mentally unfit for employment, and working at least 20 hours per week. BEM 245.

The September 26, 2013, Case Action Notice indicates that the denial of the MA programs was based on the Claimant not meeting categorical eligibility criteria for Medicaid and the freeze of AMP enrollment. (Exhibit 1, pages 10-11) There was no evidence presented to establish that the Claimant is over age 65, disabled, under 21, pregnant, or parent/caretaker relative of a dependent child to be eligible for Medicaid. Further, enrollment for the AMP program was frozen at the time of the Claimant's MA application. Accordingly, the Department properly denied Medicaid and AMP for the Claimant.

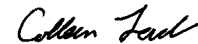
The Claimant's FAP application was denied because he was determined to be an illegible student. The Claimant explained that he was a full time college student and his participation on the varsity soccer team prevented him from getting a job. However, the Claimant stated he just started a job last week and is working more than 20 hours.

At the time of the Claimant's FAP application it was uncontested that he was a full time college student and was not working. There was no evidence presented indicating the Claimant may have met any of the other BEM 245 c criteria to be considered an eligible student for FAP when the September 26, 2013, Notice of Case Action was issued. Accordingly, the Department properly denied the Claimant's FAP application based on the information available at that time. The Eligibility Specialist confirmed that the Claimant can reapply for FAP at any time.

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 Claimant's application for MA and FAP.

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 14, 2013

Date Mailed: November 14, 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:

