

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013 14213
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: February 6, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on February 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] FIM, and [REDACTED] ES.

ISSUE

Did the Department properly reinstate the Claimant's case after closure for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input checked="" type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 applied for benefits received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input checked="" type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On 11/29/12, the Department
 certified and reinstated the Claimant's FAP and AMP case.

On 11/26/12, Claimant filed a hearing request, protesting the failure of the Department to take action on his original hearing request dated September 7, 2012 regarding his FAP and AMP closure.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, 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, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, Rule 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98

and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, in this case the Claimant had requested a hearing because his AMP coverage was not available for him to use for an October 2012 medical expense. The pharmacy declined the Claimant's medical card saying he had no coverage. The Claimant also initially requested a hearing regarding his FAP benefits but during the hearing it was confirmed that he had received full benefits once his case was reinstated and there remains no issue with regard to FAP benefits.

According to the Department's hearing summary and testimony at the hearing, during October 2012 the Department testified as is stated in the hearing summary submitted that the Claimant's AMP case was closed due to "failure to cooperate with a front end eligibility worker," and that because another household member had her FAP and MA reinstated for October 2012 pursuant to an Administrative Hearing Decision, the Department reinstated the Claimant's FAP and AMP for October 2012.

During the hearing minimal documentation was provided by the Department. An eligibility summary was provided which indicated that the Claimant's AMP was certified 11/29/12 and the Department inferred that the certification date may not have been correct. Exhibit 1. The eligibility summary did show that AMP was approved and certified 11/29/12. The Department did not present as evidence a Notice of Case Action sent to the Claimant which notified Claimant that the Claimant's FAP and AMP cases were reinstated. Bridges Eligibility Manual, (BAM) 220, pp1 and 2. (11/1/12)

Additionally, at the hearing the Claimant produced evidence that on December 3, 2012 he had presented a claim for a prescription filled during the period his case was closed which he had to pay for out of his pocket. The Claimant's request for reimbursement from the pharmacy was declined because the prescription was filled after coverage expired. Claimant Exhibit 1.

Because the evidence of a rejection of coverage for the prescription and the certification date of 11/29/12 the Department did not provide confirming evidence that the Claimant's AMP case was when reinstated, still open and active effective October 1, 2012. After the hearing the Department faxed additional evidence not admitted as evidence at the hearing which might have shed further light on this issue; however, this evidence cannot be considered by the Administrative Law Judge as it was not admitted into the case record and marked as exhibits.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department failed to demonstrate based upon the evidence presented that it did reinstate the Claimant's AMP effective for coverage October 1, 2012. The Department did not present at the hearing but should consider BAM 600 pp 16 which can in some cases assist the Claimant to obtain potential reimbursement with respect to Medicaid denials

and Corrective actions after a DHS denial is over returned on appeal as regards applications.

The Claimant's remedy for reimbursement of his prescription may be available administratively through the Medicaid Program as the Department is not responsible to pay Claimant's for declined prescriptions.


DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not demonstrate that it properly reinstated the Claimant's AMP case as of October 1, 2012.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record and in this Decision.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Claimant's request for hearing regarding closure of his FAP case is DISMISSED as he has received full benefits and no issue remains regarding FAP benefits.
2. The Department shall provide the Claimant with documentation that his AMP benefits and case were open for October 1, 2012 ongoing so that he may present this paperwork to the administrative agency that handles claims for reimbursement. If the Department did not issue a Notice of Case Action reinstating the Claimant's FAP and AMP case, it shall issue said notice in accordance with Department Policy.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 13, 2013

Date Mailed: February 13, 2013

NOTICE: 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)

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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc:

