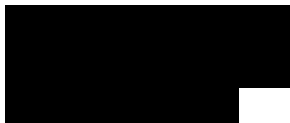


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201332788
Issue No: 1022, 2001
Case No: [REDACTED]
Hearing Date: April 3, 2013
DHS SSPC-WEST

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on February 27, 2013. After due notice, a telephone hearing was held on April 3, 2013 at which Claimant appeared by three-way conference call and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's SSPC West office

ISSUE

1. Whether the department properly denied Claimant's application for Family Independence Program (FIP) benefits?
2. Whether the department properly denied Claimant's application for Adult Medical Program (AMP) benefits?

FINDINGS OF FACT

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

1. On or about February 5, 2013, Claimant applied for Food Assistance Program (FAP) benefits, as well as FIP and AMP benefits.
2. Claimant was subsequently approved for and remains a recipient of FAP benefits.
3. On February 6, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that his application for FIP benefits had been denied because he is not eligible for the program since he is not a dependent child, a caretaker/relative of a dependent child, not pregnant, aged or disabled, and not a refugee, nor does he have a qualifying

relationship to other household members. The department further informed Claimant that his application for AMP benefits had been denied because the program was closed to new enrollments.

4. On February 926, 2013, Claimant submitted a hearing request protesting the department's denial of his application for FIP and AMP benefits.¹ (Request for a Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

The Adult Medical Program (AMP) was established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT). Applications received during a freeze on AMP enrollments must be registered and denied. BEM 640.

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

To be eligible for FIP benefits, an individual must be pregnant, or aged (65 or older), or disabled, or a refugee, or a dependent child who lives with a legal parent, stepparent or other qualifying caretaker, or a caretaker/relative of a child. BEM 210.

In this case, the department processed Claimant's February 2013 assistance application and based on the information provided therein by Claimant, the department determined that Claimant was not eligible for FIP benefits because he did not meet the qualifying criteria. The department further determined that Claimant was not eligible for

¹ While Claimant's hearing request also sought a hearing regarding the FAP program, Claimant acknowledged during the hearing that he was approved for FAP benefits and is satisfied with the department's actions regarding this program.

AMP benefits (the only program for which Claimant would have qualified since he is not aged, blind, or disabled) because the AMP is not currently open to new enrollees.

At the April 3, 2013 hearing, Claimant acknowledged that he did not meet the criteria listed for eligibility for the FIP program. Claimant further acknowledged that he understood that the AMP program was not open to new enrollees at the time of his application. The department representative testified however that the freeze on new enrollments to the AMP program ended effective April 1, 2013 and she therefore encouraged Claimant to reapply for that program.

Accordingly, the Administrative Law Judge finds that, based on the material and substantial evidence presented during the hearing, the department acted in accordance with policy in denying Claimant's February 5, 2013 application for FIP and AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy the department acted in accordance with policy in denying Claimant's February 5, 2013 application for FIP and AMP benefits.

The department's actions are **UPHELD**. It is **SO ORDERED**.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 4, 2013

Date Mailed: April 5, 2013

NOTICE: Michigan Administrative Hearings 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 Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal this Order to Circuit Court within 30 days of the receipt of the 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 errors, or other obvious errors in the hearing decision that effect the substantial rights of 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 System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/cr

cc:

