

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

IN THE MATTER OF:



Reg. No.: 201333567
Issue No.: 1022, 2012, 3000
Case No.: [REDACTED]
Hearing Date: April 10, 2013
County: Wayne DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 April 10, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Manager, and [REDACTED] Specialist.

ISSUES

The first issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit eligibility, effective 4/2013.

The second issue is whether DHS properly denied Claimant's Family Independence Program (FIP) application.

The third issue is whether DHS properly denied Claimant's and her son's application for Medical Assistance (MA) benefits.

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 was an ongoing FAP benefit recipient.
2. Claimant was part of a four-person household which also included: Claimant's 21 year old son, 18 year-old daughter and an 18-year old non-relative.
3. On 11/19/12, Claimant applied for FIP benefits, only for the 18 year old non-relative.

4. On 11/19/12, Claimant also applied for MA benefits for herself and her son.
5. Claimant's application noted that her 21 year old son was disabled.
6. On 2/26/13, DHS imposed a child support sanction against Claimant causing a reduction of FAP benefits, effective 4/2013, and denial of MA benefits for Claimant.
7. DHS conceded the child support sanction was wrongly imposed.
8. On an unspecified date, DHS denied Claimant's FIP benefit application, due to Claimant failing to establish any eligible group members.
9. DHS failed to process Claimant's MA benefit application for her 21 year old son.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute a FAP benefit reduction, effective 4/2013. DHS established that the FAP benefit reduction occurred when a child support disqualification was imposed. DHS conceded that the FAP benefit reduction was improper. Based on the DHS concession, Claimant is entitled to a determination of FAP benefits, effective 4/2013, without factoring a child support sanction.

The Family Independence Program (FIP) is a block grant that was established by the Social Security Act. Public Act (P.A.) 223 of 1995 amended P.A. 280 of 1939 and provides a state legal base for FIP. FIP policies are also authorized by the Code of Federal Regulations (CFR), Michigan Compiled Laws (MCL), Michigan Administrative Code (MAC), and federal court orders. Amendments to the Social Security Act by the U.S. Congress affect the administration and scope of the FIP program. The U.S. Department of Health and Human Services (HHS) administers the Social Security Act. Within HHS, the Administration for Children and Families has specific responsibility for the administration of the FIP program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute a denial of FIP benefits. Claimant conceded that she applied for FIP benefits only for an 18 year household member who was unrelated to Claimant. To be eligible for FIP benefits, the group must include a

dependent child who lives with a legal parent, stepparent or other qualifying caretaker. BEM 210 (1/2013), p. 1. Caretakers may include: relatives, legal guardians, adults with pending applications for legal guardianship or caretakers for children placed by child protective services. *Id.*, pp. 5-6. Claimant conceded that she meets none of the above caretaker definitions. Accordingly, DHS properly denied Claimant's FIP benefit application because Claimant is not an eligible caretaker.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant also requested a hearing to dispute application denials of MA for herself, the 18 year old non-relative and Claimant's biological son. The analysis will begin with the denial of MA for Claimant and the non-relative living with her.

DHS conceded that the MA denial for Claimant and the non-relative was improper. DHS proposed to reinstate Claimant's MA benefit application so that MA could be evaluated for Claimant and the non-relative. Claimant accepted the DHS proposal.

Claimant testified that she also applied for MA benefits for her biological son on 11/19/12. DHS alleged that Claimant did not. In support of their contention, DHS cited the lack of decision concerning her son's MA benefits as proof of the lack of application. This evidence was not particularly persuasive because the lack of decision only established that DHS did not register a request for MA for Claimant's son. The best evidence to determine whether Claimant applied for MA benefits for her son was the actual application. DHS failed to have the application available for the hearing. Based on the presented evidence, it is found that DHS failed to evaluate Claimant's son for MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application for FIP benefits. The actions taken by DHS are PARTIALLY AFFIRMED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS failed to properly determine Claimant's FAP benefit eligibility and eligibility for three persons in Claimant's household. It is ordered that DHS:

- (1) reinstate Claimant's MA benefit application dated 11/19/12 requesting MA benefits for Claimant and the 18 year-old non-relative;
- (2) reinstate Claimant's MA benefit application dated 11/19/12 requesting MA benefits for Claimant's biological son subject to the finding that Claimant applied for MA for her son and alleged that her son was disabled;

- (3) redetermine Claimant's FAP benefit eligibility, effective 4/2013, subject to the finding that Claimant was compliant with cooperating with support; and
- (4) initiate supplement of any benefits improperly not issued.

The actions taken by DHS are PARTIALLY REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/17/2013

Date Mailed: 4/17/2013

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

CG/hw

cc:

