

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-35158
Issue No.: 1021; 2018; 3000
Case No.: [REDACTED]
Hearing Date: April 15, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], APW, and [REDACTED], APS.

ISSUE

Did the Department properly deny Claimant's cash assistance application?

Did the Department properly close Claimant's case for Medical Assistance (MA)?

Did the Department properly close Claimant's for the 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. Claimant applied for benefits received benefits for:

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

2. On August 31, 2012, Claimant applied for cash assistance, MA and FAP.
3. Claimant did not receive a Notice of Case Action regarding cash assistance.
4. Claimant requested a hearing regarding MA on November 19, 2012. (Exhibit 4)
5. The Department prior to the hearing found that Claimant was eligible for MA and opened an MA case for Claimant, effective August 1, 2013. (Exhibit 5)
6. Claimant received MA until February 1, 2013.
7. Claimant received FAP until April 1, 2013.
8. On February 8, 2013, Claimant reapplied for Cash Assistance and MA.
9. On February 22, 2013, the Department sent Claimant a Notice of Case Action, notifying Claimant that the Department denied Claimant's cash assistance and MA applications and closed Claimant's FAP case, effective April 1, 2013.
10. On March 18, 2013, Claimant filed a hearing request, protesting the Department's action.
11. At the hearing, the parties agreed to the Department reinstating Claimant's FAP case, effective April 1, 2013, if Claimant is otherwise eligible for the program benefits.

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.

CASH ASSISTANCE

In the present case, the parties agreed that Claimant applied for Cash Assistance on August 31, 2012. At the hearing, the Department indicated that a Notice of Case Action was mailed to Claimant on August 31, 2012. The alleged Notice of Case Action was to have been submitted by the Department as "Exhibit 3" after the hearing. However, the Notice of Case Action was not included in the faxed information of April 15, 2013 from the Department, so the Notice of Case Action could not be examined by this Administrative Law Judge to determine if it complied with policy. Without such examination of the Notice of Case Action, it cannot be determined that the Department acted correctly. Therefore, it is concluded that the Department did not act properly with regard to Claimant's August 31, 2012 application for cash assistance.

MEDICAL ASSISTANCE

In the present case, Claimant requested a hearing on November 19, 2012, regarding denial of her MA application of August 31, 2012. However, prior to the hearing, the Department reevaluated Claimant's MA eligibility and found her to be eligible due to her asylum approval. (Hearing Summary of November 21, 2012) The Department opened Claimant's MA case, effective August 1, 2012 and the MA case remained opened until February 1, 2013, at which point it was closed due to the eight-month eligibility for refugees. (Exhibits 1, 2) (See BEM 630, p.1: Refugee MA is available only during the eight months immediately following the refugee's date of entry into the U.S. or date asylum is granted. Month one is the month containing date of entry or date of adjustment to refugee status.) It is noted that the parties agreed that Claimant entered the United States in June of 2012.

Claimant argues that since she did not receive notice of the approval, and she was not aware that her MA case was open beginning August 1, 2012, she was not able to obtain medical care. However, the approval was based on Claimant's August 2012 application, so an August 1, 2012 start date is appropriate.

Claimant does not dispute the eight-month refugee rule, nor does she claim that she meets any of the other requirements for MA, such as age or disability. Therefore, the Department's denial of her new application of February 8, 2013 was properly stated in the Notice of Case Action of February 22, 2013.

Based on the above discussion, it is found that the Department acted properly in closing Claimant's MA case effective February 1, 2013 and denying her MA application of February 8, 2013.

FAP

At the hearing, the parties agreed that the Department would reinstate Claimant's FAP case, effective April 1, 2013, if Claimant is otherwise eligible for the program benefits.

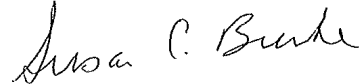
DECISION AND ORDER

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 act properly with respect to MA, did not act properly with respect to cash assistance, and that the parties came to an agreement with regard to FAP.

Accordingly, it is ORDERED that the Department's MA decision is AFFIRMED, and the Department's Cash Assistance decision is REVERSED. It is also found that the parties have reached an agreement with regard to FAP.

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

- 1.) Initiate reinstatement and reprocessing of Claimant's cash assistance application of August 31, 2012.
- 2.) Issue cash supplements if Claimant is found to be eligible for cash assistance, in accordance with Department policy.
- 3.) Initiate reinstatement of Claimant's FAP case, effective April 1, 2013, if Claimant is otherwise eligible for the program.
- 4.) Issue FAP supplements, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 22, 2013

Date Mailed: April 23, 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 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

SCB/tm

cc:

