

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

IN THE MATTER OF:



Reg. No.: 2013-35327
Issue Nos.: 2001, 3015, 5016
Case No.: [REDACTED]
Hearing Date: April 15, 2013
County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA), Food Assistance (FAP), and State Emergency Relief (SER)?

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 February 28, 2013, Claimant applied for MA, FAP and an SER.
2. On March 28, 2013, the Department denied Claimant's application for SER.
3. Effective February 1, 2013, the Department denied Claimant's application for MA.
4. On March 12, 2013, Claimant requested a hearing protesting the denial of her MA, FAP and SER application.

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 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 Mich Admin Code, R 400.3001 through R 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 Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Medical Assistance

SSI-RELATED AND FIP-RELATED

The Medicaid program is comprised of several sub-programs or categories. One category is FIP recipients. Another category is SSI recipients. There are several other categories for persons not receiving FIP or SSI. However, the eligibility factors for these categories are based on (related to) the eligibility factors in either the FIP or SSI program. Therefore, these categories are referred to as either FIP-related or SSI-related.

To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled.

Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. BEM 105 (October 1, 2010), p. 1.

The Department denied Claimant's application for MA because she did not qualify as being blind, disabled, pregnant/caretaker relative of a dependent child or meet age requirements.

The Department then noted that the Adult Medical Program (AMP) was closed to new applicants at the time of application; therefore, no medical assistance was available to Claimant.

The Department's decision on MA is AFFIRMED.

Food Assistance

The Department stated in its Hearing Summary that the FAP issue remained unresolved pending verifications. At the hearing, the Department stated that the FAP had been denied due to Claimant's failure to verify her income and assets.

Although Claimant requested a hearing on this issue, the Department had not decided this result when the hearing was requested. Therefore, the FAP decision was not ripe for a hearing when Claimant requested same and is therefore DISMISSED. Claimant may request another hearing on the FAP issue now that it has been decided negatively.

State Emergency Relief

The Department denied Claimant's SER application because of excess income. At the hearing, the Department cited ERM 206 as setting the income limit at \$445.00 per month. However, the chart showing this income amount is not the income limit chart for SER benefits.

The income limit for SER benefits is stated in ERM 206 and is listed as \$1,397.00 for a group of one. ERM 208 (October 1, 2012), p. 4.

The Department's decision was harmless error on Claimant's application for SER. It was denied due to excess income but could have been denied for other reasons. The Department's decision is AFFIRMED because Claimant failed to present the Department with a notice from the energy provider that Claimant was in danger of a shut-off.

Heating, Electric or Deliverable Fuels

When the group's heat or electric service for their current residence is in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. The amount of the payment is the minimum necessary to prevent shutoff or restore service, up to the fiscal year cap. Payment must resolve the emergency

by restoring or continuing the service for at least 30 calendar days. Current bills that are not subject to shutoff should not be included in the amount needed. ERM 301 (February 1, 2013), p. 1.

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 when it denied Claimant's application for MA and SER.

Accordingly, the Department's AMP FIP FAP MA SDA CDC and SER decisions are AFFIRMED REVERSED for the reasons stated on the record.

It is further found that at the time Claimant requested a hearing regarding FAP benefits, the Department had not taken any action. As such, Claimant's request for hearing regarding FAP benefits is DISMISSED.



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 21, 2013

Date Mailed: May 28, 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 affect the substantial rights of the claimant;
- 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

MJB/pf

cc:

