

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

**IN THE MATTER OF:**



Reg. No.: 2013-38445  
Issue No.: 2018; 3002  
Case No.: [REDACTED]  
Hearing Date: April 25, 2013  
County: Wayne (76)

**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 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

**ISSUE**

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

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits due to excess income?

**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 or about September 1, 2012, Claimant moved from her mother's residence, but did not notify the Department before the March 29, 2013, redetermination.
2. The Department re-determined Claimant's eligibility for FAP, including Claimant's mother's income.
3. With Claimant's mother's income included in the group, the group income exceeded the limit for a household size of four.
4. Claimant was an ongoing recipient of MA.

5. The Department closed Claimant's MA case, effective May 1, 2013, due to Claimant not being under 21, pregnant or a caretaker of a minor child.
6. Claimant is a caretaker of a minor child.
7. On April 3, 2013, Claimant filed a hearing request, protesting the action of the Department regarding MA and FAP.

### **CONCLUSIONS OF LAW**

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

### **MEDICAL ASSISTANCE**

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.

BAM 220 instructs:

A notice of case action must specify the following:

- The action(s) being taken by the department.
- The reason(s) for the action.
- The specific manual item which cites the legal base for an action or the regulation or law itself.
- An explanation of the right to request a hearing.
- The conditions under which benefits are continued if a hearing is requested.

In the present case, per the Notice of Case Action (Exhibit 1), the Department closed Claimant's MA case due to Claimant not being under 21, pregnant or a caretaker of a minor child. However, Claimant is a caretaker of a minor child. The Department representative indicated that Claimant was not in cooperation with child support, but that reason was not listed in the Notice of Case Action. Therefore, the Department was not correct in closing Claimant's case for the reason stated in the Notice of Case Action.

### **FOOD ASSISTANCE PROGRAM**

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.

Parents and their children **under** 22 years of age who live together **must** be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group. BEM 212, p.1

In the present case, Claimant, who, per her testimony, was under the age of 22 at the time of redetermination, conceded that she did not inform the Department that she was no longer living with her mother at the time of the redetermination. The Department was therefore correct in including Claimant's mother as part of Claimant's FAP group, per BEM 212. With Claimant's mother's income included (Exhibits 2 and 3), the Department correctly determined that Claimant's group's gross income of \$4,681.00 exceeded the income limit for a group size of four. (3,842.00, per RFT 250) The Department was therefore correct in its decision to deny Claimant's reapplication at redetermination.

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 improperly closed Claimant's MA case and properly denied Claimant's FAP reapplication at redetermination.

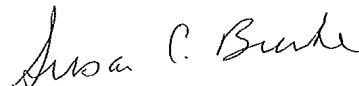
### **DECISION AND ORDER**

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 regard to FAP and did not act properly with regard to MA.

Accordingly, the Department's FAP decision is AFFIRMED and the Department's MA decision is REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. Reinstate Claimant's MA case, effective May 1, 2013, if Claimant is otherwise eligible for MA.
2. Notify Claimant in writing of her MA eligibility status.



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

Date Signed: April 29, 2013

Date Mailed: April 30, 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:

