

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-40215
Issue Nos.: 2009, 3019, 4031
Case No.: [REDACTED]
Hearing Date: May 8, 2013
County: Oakland (63-03)

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 May 8, 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 State Disability Assistance (SDA), Food Assistance (FAP), and Medical Assistance (MA)?

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 21, 2013, Claimant completed an application for MA, FAP and SDA.
2. The Department denied Claimant's FAP because he was receiving two meals a days with his housing.
3. The Department denied Claimant's SDA because he did not attend one of three appointments they set up for a face-to-face interview.
4. Claimant's MA based on disability is pending before the Medical Review Team (MRT).

5. On March 28, 2013, the Department sent Claimant a notice of case action notifying him that his SDA had been denied for failure to verify information.

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 Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 ACS, R 400.3151 through R 400.3180.

FAP Denial

The Department states in its Hearing Summary that Claimant's FAP application was denied "because the half-way house in which he resides provides two meals to him daily."

The Department further cites BEM 615 and 617 as policy that demands that denial.

This ALJ has reviewed BEM 615, 617, 730 261, 260, as well as other policy cited and can find no reference to FAP being denied because Claimant was receiving two meals a day where he resides.

In fact, to the contrary, BEM 615 states, in part:

Temporary Housing for the Homeless

FAP Only

Temporary housing for the homeless is designed to provide meals, lodging and special services. The facility may be either public or private and either nonprofit or for profit. Clients may use food assistance benefits to purchase meals **only** from nonprofit facilities. Clients in for-profit facilities may use food assistance benefits at regular retail outlets. BEM 615 (July 1, 2010), p. 3.

The Department denial of Claimant's FAP is improper.

SDA Denial

Department policy state, in part:

Application Interview

SDA Only

An **in-person** application interview **must** be conducted. It should be conducted:

- Before SLA admission at the local office where the client resides, **or if not feasible**.
- After SLA admission at the local office where the facility is located, **or if not feasible**.
- After SLA admittance at the facility.

BEM 616 (May 2010), p. 2.

The Department testified that Claimant failed to attend three scheduled in-person interviews with the Department.

Claimant stated that he had transportation problems and could not attend the scheduled appointments.

The Department kept scheduling the appointments because Claimant continued to agree to attend them.

The Department's denial of Claimant's SDA application was proper.

MA Application

The Department testified that Claimant is currently covered under the Adult Medical Program (AMP) and that his MA application based on disability is still before the Medical Review Team (MRT), pending approval.

The Department's actions concerning Claimant's MA application were proper.

DECISION AND ORDER

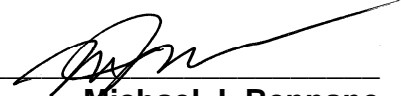
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly when it denied the claimant's SDA and sent Claimant's MA application based on disability to MRT.

did not act properly when it denied Claimant's FAP because the facility in which he was living was providing meals.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is PARTIALLY AFFIRMED and PARTIALLY REVERSED for the reasons stated on the record.

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

1. Reprocess Claimant's FAP application and apply Department policy.



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

Date Signed: May 28, 2013

Date Mailed: May 29, 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:

