

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-44334  
Issue Nos.: 1022, 2015, 3014  
Case No.: [REDACTED]  
Hearing Date: July 18, 2013  
County: Wayne (82-43)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 July 18, 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 process Claimant's February 21, 2013, application for Family Independence Program (FIP) benefits and her request to add her son to her Food Assistance Program (FAP) and Medical Assistance (MA) cases?

**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 recipient of FAP and MA benefits.
2. On February 21, 2013, Claimant applied for FIP benefits and requested that her son be added to her FAP and MA cases.
3. The Department did not add Claimant's minor child to her FAP or MA cases.
4. The Department did not process Claimant's FIP application.
5. On April 26, 2013, Claimant filed a request for hearing concerning FAP, MA and FIP benefits, disputing the Department's failure to add the child to her case.

## CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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 Mich Admin Code, R 400.3101 through R 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 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. At the hearing, Claimant clarified that she requested a hearing because the Department failed to add her nieces and nephews to her FAP case even after she reported that she had guardianship over the children as of [REDACTED].

Claimant testified that her minor child was placed back in her care in July 2012 and she informed the Department that he was in her care and asked to have him added to her cases beginning July 2012. In December 2012, the Department notified her that the child could not be added to her cases because he was active in his grandmother's benefit cases. It does not appear that Claimant requested a hearing disputing the Department's decision at that time.

At the hearing, Claimant presented documentary evidence that was sufficient to establish that on February 21, 2013, she reapplied to have her minor child added to her active FAP and MA cases and applied for FIP benefits. The Department testified that it did not have any evidence showing Claimant's February 21, 2013, request. However, it testified that it attempted to add the minor child to Claimant's FAP case as of April 1, 2013, but it was unable to do so because the child continued to remain active on his grandmother's benefit cases.

A minor child is included in the benefit group of the primary caretaker with whom he lives. BEM 210 (January 2013), pp. 1-2 (for FIP); BEM 211 (November 2012), p. 2 (for MA); BEM 212 (November 2012), p. 3 (for FAP). The Department must verify the primary caretaker when questioned or disputed, including when a second caretaker applies for assistance for the same child. Verification includes documentation such as

court records that address custody or visitation, school records indicating who enrolled the child and who is called in emergency situations, medical records stating where the child lives and who is responsible for the child's medical care, and child care records showing where the child lives and who makes and pays for the child care arrangements. BEM 210, pp. 9, 11-12 (for FIP); BEM 211, pp. 6-7 (for MA); BEM 212, pp. 4, 10 (for FAP).

In this case, Claimant contended that she had legal documentation showing that she had primary custody of the child. Because the primary caretaker of the child was disputed and the Department did not seek verification to establish the child's primary custody, the Department could not rely on the fact that the child remained on the grandmother's benefit cases as of April 2013 to address its error in failing to process Claimant's February 21, 2013, FIP application and request to add the child to Claimant's FAP and MA cases.


### **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 not act in accordance with Department policy when it failed to timely process Claimant's February 21, 2013, request to add her child to her FAP and MA cases and to apply for FIP benefits.

Accordingly, the Department's decision is REVERSED.

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

1. Reregister Claimant's February 21, 2013, application to add her minor child to her active MA and FAP cases and to apply for FIP benefits;
2. Begin processing Claimant application/member add request in accordance with Department policy and consistent with this Hearing Decision;
3. Issue supplements to Claimant for any FAP and/or FIP benefits she was eligible to receive but did not from February 21, 2013, ongoing;
4. Provide Claimant's minor child with MA coverage he was eligible to receive based on the February 21, 2013, member add request date; and
5. Notify Claimant in writing of its decision in accordance with Department policy.

  
**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 22, 2013

Date Mailed: July 22, 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,
  - 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

ACE/pf

cc:

