

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-49152
Issue Nos.: 2009, 3000
Case No.: [REDACTED]
Hearing Date: July 15, 2013
County: Macomb (50-20)

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 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUES

1. Did the Department properly provide Claimant with Food Assistance Program (FAP) benefits?
2. Did the Department properly deny Claimant's October 10, 2012, application for Medical Assistance (MA) and State Disability Insurance (SDA)?

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 benefits.
2. On October 12, 2012, Claimant applied for MA and SDA benefits.
3. On May 20, 2013, the Department sent Claimant a Notice of Case Action denying the MA and SDA application based on the finding of the Medical Review Team (MRT) that Claimant was not disabled.

4. On May 28, 2013, Claimant filed a request for hearing disputing the Department's actions concerning her FAP, MA and SDA cases.

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 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 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 Mich Admin Code, R 400.3151 through R 400.3180.

On October 12, 2012, Claimant applied for MA and SDA benefits. After the MRT found that Claimant was not disabled, the Department sent Claimant a May 20, 2013, Notice of Case Action denying the MA and SDA applications. On May 28, 2013, Claimant filed a request for hearing and indicated that she was challenging the Department's actions concerning MA, SDA and FAP.

FAP Case

Shortly after commencement of the hearing, Claimant testified that she understood the actions taken by the Department with respect to her FAP case and that she was satisfied with the Department's actions and did not wish to proceed with the hearing concerning her FAP case. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request in this matter, the Request for Hearing concerning Claimant's FAP case is hereby **DISMISSED**.

MA and SDA Denial

Although the Department did not include a copy of the relevant Notice of Case Action in the hearing packet, the Department testified that, based on MRT's finding that Claimant was not disabled, it sent Claimant a May 20, 2013, Notice of Case Action, denying her MA and SDA application. See BAM 815 (March 2013), p. 6.

However, Claimant challenged the MRT's finding that she was not disabled. When a hearing request disputes the MRT denial of a client's claim of disability/blindness, the State Hearing Review Team (SHRT) reviews MRT's decision, considering the existing medical packet and any new medical evidence compiled after the initial MRT decision was reached. BAM 600 (February 2013), p. 21.

In this case, Claimant is entitled to have her disability decision reviewed by the SHRT and to a hearing before an administrative law judge to review SHRT's denial, if any. BAM 600, pp. 21-22. A hearing to address Claimant's disability decision will be scheduled by the Michigan Administrative Hearing System (MAHS), and Claimant and all identified parties will be notified of the hearing.

DECISION AND ORDER

Pursuant to Claimant's withdrawal of her FAP hearing request, Claimant's FAP issue is ordered DISMISSED.

With respect to the processing of Claimant's Request for Hearing concerning the denial of her application for MA and SDA, this matter will be scheduled and a Notice of Hearing will be sent by MAHS to all identified parties.



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

Date Signed: July 18, 2013

Date Mailed: July 18, 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:

