

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2013-49484
Issue No.: 2000;3019
Case No.: ██████████
Hearing Date: June 24, 2013
County: SSPC East

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 June 24, 2013, from Detroit, Michigan. Claimant and his ██████████ ██████████ ██████████ appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ ██████████, Departmental Manager and ██████████, Assistance Payment Worker.

ISSUE

Did the Department act in accordance with Department policy when it processed Claimant's benefits for: Medical Assistance (MA) and Food Assistance Program (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant submitted an application for FAP benefits on April 16, 2013.
2. On April 23, 2013, a telephone interview was conducted with Claimant.
3. On April 24, 2013, the Department denied Claimant's FAP application.
4. There was no negative action taken with respect to Claimant's MA case within the 90 days prior to his filing a request for hearing.

5. On May 29, 2013, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief Manual (ERM).

MA

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 Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Bridges Administrative Manual (BAM) 600 (February 2013), p. 4, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the present case, Claimant requested a hearing regarding the denial of an MA application. At the hearing, Claimant initially testified that he did not submit an application but his mother testified that Claimant previously had an MA case that was closed. Neither Claimant nor the Department had any evidence regarding an MA application and the Department had no record of Claimant having a previous MA case under his own case name or under another case name with a different group. Claimant's mother stated that Claimant had MA coverage and that she received a letter informing her that the Department stopped all of Claimant's cases. The Department searched through Bridges and was not able to find any information on any application or previous MA case for Claimant that was closed. As such, there does not appear to be

any negative action taken by the Department with respect to Claimant's MA benefits. Therefore, Claimant's hearing request with respect to Claimant's MA is DISMISSED for lack of jurisdiction. BAM 600, p 4.

FAP

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.

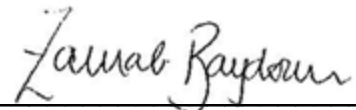
Additionally, Claimant submitted an online application for FAP benefits on April 16, 2013. On April 23, 2013, the Department conducted a telephone interview with Claimant, as required under BAM 115 (May 2013). At the hearing, the Department testified that during the interview, Claimant was asked whom he purchases, prepares and eats food with twice and that he gave the same response both times. The Department testified that Claimant stated that he lives at home with his family and that they buy, prepare and eat meals together as a family. The Department further testified that during the interview, it informed Claimant of the requirement that all persons living in the home who have meals together are considered mandatory group members and must apply for FAP benefits together. The Department determines FAP group composition by applying the factors found in BEM 212. See BEM 212 (November 2012). The Department stated that after Claimant was informed of the FAP group application requirements, he stated that he understood and would reapply with all of the necessary information. The Department processed Claimant's request as a verbal request for withdrawal and sent him a Notice of Case Action on April 24, 2013 informing him that his FAP application was being denied because he requested that his assistance be stopped. (Exhibit 5). According to BAM 110, a person may withdraw an application at any time before it is disposed. The Department sends a Notice of Case Action to the client and the client may reapply any time. BAM 110 (January 2013), p. 15.

At the hearing, Claimant confirmed that during the interview he informed the Department that he lives with his family and that the Department informed him that he needs to apply for FAP benefits with the people he lives with. Claimant testified that he then gave the phone to his mother who also participated in the telephone interview. Claimant's mother stated that during the interview, she informed the Department that her son purchases his own food and that she was instructed to apply for FAP assistance for her son as an individual and not as part of the family group. Because the Department credibly testified that Claimant understood the policy explained to him and indicated a verbal request to withdrawal his application and reapply for FAP benefits with his family as a group, the Department did act in accordance with Department policy when it denied Claimant's FAP application based on his verbal request.

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 Claimant's hearing request with regards to MA is DISMISSED.

The Administrative Law Judge further finds that the Department did act in accordance with Department policy when it denied Claimant's application for FAP benefits. Accordingly, the Department's FAP decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2013

Date Mailed: July 3, 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.

ZB/cl

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