

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

**IN THE MATTER OF:**



Reg. No.: 2014-17765  
Issue No.: 2004; 3000  
Case No.: [REDACTED]  
Hearing Date: January 21, 2014  
County: Wayne (31)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 21, 2014, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUE**

The issue is whether DHS processed Claimant's Medical Assistance (MA) application in accordance with standards of promptness.

**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 [REDACTED]/13, Claimant applied for Food Assistance Program (FAP) and MA benefits.
2. Claimant's application listed that Claimant had a disability.
3. On an unspecified date, DHS approved Claimant for an unspecified amount of FAP benefits for 11/2013 and 12/2013.

4. On [REDACTED]/13, Claimant requested a hearing to dispute the amount of FAP benefits issued and the failure by DHS to determine her MA benefit eligibility.
5. On an unspecified date, DHS deferred Claimant's MA application determination for the purpose of requesting additional medical documentation.
6. On an unspecified subsequent date, DHS increased Claimant's FAP eligibility from 11/2013 and 12/2013.

### **CONCLUSIONS OF LAW**

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute FAP benefit issuances from 11/2013 and 12/2013. Claimant testified that since she requested a hearing, DHS increased her FAP benefit issuances. Claimant testified that she is satisfied with the DHS changes and no longer wishes to dispute the FAP benefit issuances from 11/2013 and 12/2013. Thus, there is no dispute to resolve

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute a DHS failure to process her MA eligibility. It was not disputed that Claimant's MA eligibility was based on a claim of disability.

DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness (SOP) for processing MA applications when disability is an eligibility factor is 90 days. BAM 115 (1/2013), p. 13.

At the time Claimant requested a hearing, 90 days had not elapsed since Claimant requested MA benefits based on disability. Thus, Claimant was premature in requesting

a decision; nevertheless, as of the date of hearing, DHS conceded that Claimant's application was still not processed despite the passage of 90 days since the date of application. Thus, DHS appears to have exceeded their standards of promptness.

The SOP can be extended 60 days from the date of deferral by the Medical Review Team (MRT). *Id.* A deferral by MRT is understood to occur when MRT requests additional documentation from a client. It is also understood that deferrals suspend the standard of promptness. As it happened, Claimant's application was deferred by MRT. When factoring time for a 60 day deferral, DHS has not yet exceeded their standard of promptness in processing Claimant's application.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant has no dispute concerning FAP benefit eligibility from 11/2013 and/or 12/2013. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS has not yet exceeded their standards in processing Claimant's MA benefit application dated [REDACTED]/13. The actions taken by DHS are **AFFIRMED**.



Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 1/30/2014

Date Mailed: 1/30/2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;

- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

CG/hw

cc:

