

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

**IN THE MATTER OF:**

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

Reg. No.: 2014-21930  
Issue Nos.: 1004, 2001, 3001  
Case No.: ██████████  
Hearing Date: February 10, 2014  
County: Wayne (82-17)

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

**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 February 10, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant ██████████ ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ ██████████ ██████████ ██████████

**ISSUES**

1. Did the Department properly add Claimant's three minor children to her Medical Assistance (MA) and Food Assistance Program (FAP) cases?
2. Did the Department properly process Claimant's December 23, 2013, application for Family Independence Program (FIP) benefits?

**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 MA benefits for herself and of FAP benefits for herself and her adult son.
2. On December 11, 2013, Claimant regained physical custody of her three minor children.

3. By December 23, 2013, Claimant notified the Department that her three minor children were in her care.
4. On January 2, 2013, the Department sent Claimant a Notice of Case Action denying MA coverage for two of her minor children and adding two of her children to her FAP case.
5. On January 8, 2014, Claimant filed a request for hearing disputing the Department's actions.

### **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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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.

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.

Additionally, in her hearing request, Claimant marked off that she was requesting a hearing concerning all of the Department programs. At the hearing, she clarified that she had two concerns (1) the addition of her three minor children to her FAP and MA cases after they were placed back in her custody and (2) the Department's failure to process her December 23, 2013 FIP application.

#### **Addition of Children to FAP and MA Cases**

The Department testified that, although it unintentionally added only two of Claimant's three minor children that had been returned to her custody back to her FAP case, all three children were added to Claimant's FAP case as of January 1, 2014, with a supplement being issued to address the underissuance. The Department presented

evidence showing that, as of January 1, 2014, Claimant received monthly FAP benefits of \$750, the maximum FAP benefits available to a group size of 5 (Claimant, her 18-year-old son, and the three children returned to her care). RFT 260 (December 2013), p. 1.

At the hearing, Claimant expressed concerns that she did not receive FAP benefits for the three minor children for December 2013. A member add that increases FAP benefits is effective the month after it is reported. BEM 550 (July 2013), p. 4; BEM 212 (October 2013), p. 9. Because Claimant reported the children back in her custody in December 2013, the Department acted in accordance with Department policy when it added the children back to Claimant's FAP case as of January 1, 2014.

The Department was requested to provide evidence to support its testimony that the three minor children were approved for MA coverage. See BEM 211 (July 2013), p. 7. While the eligibility summary provided by the Department shows that there was an active Other Healthy Kids (OHK) MA case as of February 1, 2014, there was no evidence presented establishing that all three minor children received MA coverage or explaining the children's lack of coverage in January 2014. Furthermore, while the January 2, 2013, Notice of Case Action indicates that one of the children was covered in another case, the Department did not present any evidence to support this conclusion. Therefore, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy with respect to the children's MA cases.

### **FIP Application**

Claimant also testified that she requested a hearing because the Department had failed to process her December 23, 2013, FIP application. Claimant testified that her worker [REDACTED] submitted the application on her behalf. The [REDACTED] worker testified that she dropped off the completed application, which included a request to add Claimant's minor children to her MA and FAP cases, to the front window on December 23, 2013. She further testified that she also provided copies of legal documents showing that the children had been returned to Claimant's custody, but the Department worker indicated that she did not need those documents and accepted only the application. According to the [REDACTED] worker, the front window worker reviewed the application and took it. The [REDACTED] worker asked the receptionist for confirmation that the application was submitted and testified that she received a date-stamped document that was admitted into evidence. The document, a case-search summary printout from the Department's system dated December 23, 2013, was date-stamped December 23, 2013, with the Department's local office stamp and references Claimant. While it does not establish that an application was submitted, it is consistent with Claimant's [REDACTED] worker's testimony that she appeared at the front desk at the local office on December 23, 2013. The willingness of the front desk to stamp the document with its office stamp also supports the worker's testimony that she submitted an application to the Department on December 23, 2013.

Claimant testified that she returned to the Department's local office on December 30, 2013, when she did not receive FAP benefits for the children. The Department

presented a Bridges Case-Search/Summary printout dated December 30, 2013, with handwritten notation from the Department worker indicating that Claimant had regained guardianship of the children and they needed to be added back to her case. Claimant testified that she was not asked about her FIP application at the time because she believed it had been registered on December 23, 2013.

The Department denied that Claimant had submitted a FIP application. In support of its position, the Department pointed out that Claimant's name was not on a list of FIP applicants whose applications were submitted on December 23, 2013. However, the Department acknowledged that the list was created by the Department and did not contain signatures of clients who had submitted applications. Because the list was generated by the Department, it failed to rebut Claimant's Orchard's worker's credible testimony that she submitted an FIP application on Claimant's behalf on December 23, 2013. The Department did not act in accordance with Department policy when it failed to timely process this application. See BAM 115 (July 2013), p. 15.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department (i) acted in accordance with Department policy when it added Claimant's minor children to her FAP case effective January 1, 2014, (ii) did not act in accordance with Department policy when it failed to process Claimant's December 23, 2013, FIP application, and (iii) failed to satisfy its burden of showing that it acted in accordance with Department policy in providing MA coverage to Claimant's minor children.

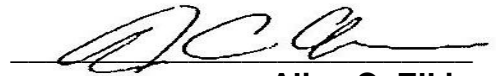
### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED IN PART with respect to adding the children to Claimant FAP case and REVERSED IN PART with respect to providing MA coverage to the children and processing the December 23, 2013 FIP application.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Claimant's December 23, 2013, FIP application;
2. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from the date of application ongoing;
3. Notify Claimant in writing of its FIP decision;
4. Add Claimant's three minor children to her MA case as of January 1, 2014; and

5. Provide the children with the MA coverage they are eligible to receive from January 1, 2014, ongoing.



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

Date Signed: February 13, 2014

Date Mailed: February 13, 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

ACE/pf

CC: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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