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

IN THE MATTER OF:



 Reg. No.:
 201422063

 Issue No.:
 1001, 2001, 3001, 5000

 Case No.:
 February 11, 2014

 Hearing Date:
 February 11, 2014

 County:
 Macomb County DHS #20

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Claimant's r equest 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 F ebruary 11, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Participants on behalf of the Department of Human Services (Department) included Participants

<u>ISSUE</u>

Whether the Department of Human Serv ices (Department) properly det ermined the Claimant's elig ibility for Family Indepen dence Pro gram (FIP), Medical Assistance e (M.A.), and Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- 1. On December 6, 2013, the Claimant's employment ended.
- 2. On December 20, 2103, the Claimant submitted an applic ation for Family Independence Program (FIP), Medical Assistance (M.A.), a nd Food Assistance Program (FAP) to the Department.
- 3. On January 3, 2014, the Department denied the Claimant's application for Family Independence Program (FIP) and Medical Assistance (M.A .) because she does not meet the non-fin ancial requirements to participate in these programs.
- 4. On January 3, 2014, the Department sent the Claimant a Verification Checklist (DHS-3503) and a Verifica tion of Employment (DHS-38) requesting that the Claimant provide verification of her ending employment by January 13, 2014.

- 5. On January 13, 2014, the Claimant provided the Department with verification that she had received her las t paycheck on December 13, 2013.
- 6. On January 14, 2014, the Department approved the Claimant for Food Assistance Program (FAP) with a monthly allotment of \$
- 7. The Department received the Claim ant's request for a hearing on January 13, 2014, protesting the denial of Family Independence Program (FIP) and Medical Assistance (M.A.) benefit s, and the am ount of her Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Depart tment (formerly known as the Family Independence Agency) administers FIP pursuant to MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I 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.

A benefit group requesting Family Independence Program (FIP) benefits must include a dependent child who lives with a legal parent, stepparent, or ot her qualifying caretaker. Department of Human Services Bridges Eligibility Manual (BEM) 210 (July 1, 2013), p 1.

The goal of the Medicaid program is to ensure that essentia I health care s ervices are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA). Medical Ass istance (M.A.) is available for minor childre n, pregnant women, the caretakers of minor children, as well as senior and disabled applicants. Department of Human Services Bridges Eligibility Manual (BEM) 105 (January 1, 2014), pp 1-7.

On December 6, 2013, the Claimant submitted an application for Family Independence Program (FIP) and Medical As sistance (M.A.) benefits. The Department denied the Claimant's application because she did not claim to be disabled, and does not meet the non-financial requirements of these programs. The Department was unable to consider the Claimant for the Adult Medic al Program (AMP) because enrollment in that program was frozen when the Claimant submitted her application. The Department establish ed that it properly denied the Claimant's application for Fa mily Independence Program (FIP) and Medical Assistance (M.A.) benefits.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] i s established by the Food Stam p Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations c ontained in 7 CFR 271.1 to 285.5. The

Department (formerly known as the Fam ily Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for r compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independenc e Program (FIP), State Dis ability Ass istance (SDA), Child Development and Ca re (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemploy ment Compensation Benef its (UCB), Adu It Medical Pr ogram (AMA), alimony, and child support payments. The amount counted may before than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2013).

For stopping income, budget the final income expected to be received in the benefit month. Use the best available information to determine the amount of the last check expected. Use information from the source and from the client. Remove stopped income from the budget for future months. Depar tment of Human Serv ices Bridges Eligibility Manual (BEM) 505 (July 1, 2013), p 7.

On December 20, 2013, the Claimant app lied for Food Assist ance Program (FAP) benefits. On her application for benefits, the Claimant reported that her employment had ended on December 6, 2013.

On January 3, 2014, the Departm ent sent the Claimant a Verification Chec klist (DHS-3503) and a Verification of Em ployment (DHS-38) requesting that the Claimant provide verification of her ending employment by January 13, 2014. The Claim ant provided timely verification that her employ ment ended on December 6, 2013, and that her last paycheck was received on January 13, 2014.

On Januar y 14, 2014, the Department determined that she was eligible to receive a monthly allotment of Food Assistance Program (FAP) in the amount of \$

The Claim ant argued that the Department had im properly c onsidered her ending income to determine her eligibility for the Food Assistance Program (FAP).

Based on the evidence and test imony available during the hear ing, this Administrative Law Judge finds that the De partment properly considered earned income ending within 30 days of the Claimant's application for benefits to determine her eligibility for the Food Assistance Program (FAP).

The State Emergency Relief (S ER) program is established by 2004 PA 344. The SER program is administer ed pursuant to MCL 400. 10, et seq., and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Family Independence Agency (FIA or agen cy) policies are found in t he Stat e Emergency Relief Manual (ERM).

Clients have the right to c ontest a department decis ion affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide

an adminis trative hearing to review the de cision and determine the appropriateness. The Michigan Adminis trative Hearing Syst em (MAHS) may grant a hearing for any of the following:

MAHS may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.

• For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Administrative Manual (BAM) 600 (July 1, 2013), p 4.

The Claim ant failed to establish an issue with respect to the State Emergency Relief (SER) program under the jurisdiction of the and the Claimant's request for a hearing is Emergency Relief (SER) only.

DECISION AND ORDER

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 acted in accordance with Department policy when it determined the Claimant's Food Assistance Program (FAP) elig ibility. The Department properly denie d Medical Ass istance (M.A.) and Family Independence Program (FIP) benefit s because the Claimant does not meet the non-financial requirements of these programs. The Claimant's request for a hearing is dismissed with respect to the State Emergency Relief (SER) only.

Accordingly, the Department's decision is **AFFIRMED**.

Por hul

Kevin

Scullv Administrative Law Judge for Maura D. Corrigan, Director **Department of Human Services**

Date Signed: February 19, 2014

Date Mailed: February 19, 2014

NOTICE OF APP EAL: The claimant may appeal the Dec ision 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 Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 or iginal 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 clai mant 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

KS/hj CC: