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

IN THE MATTER OF:

[redacted]

Reg. No.: 201422474
Issue No.: 2001, 3001
Case No.: [redacted]
Hearing Date: February 11, 2014
County: Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 11, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [redacted] Participants on behalf of the Department of Human Services (Department) included [redacted]

ISSUE

Whether the Department of Human Services (Department) properly determine the Claimant's eligibility for Medical Assistance (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. The Department received the Claimant's application for Medical Assistance (M.A.) and Food Assistance Program (FAP) on December 26, 2013.

2. On December 30, 2013, the Department denied the Claimant's application for Medical Assistance (M.A.) and Food Assistance Program (FAP).

3. The Department received the Claimant's request for a hearing on January 7, 2014, protesting the denial of his application for benefits.

CONCLUSIONS OF LAW

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

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.

The Department received the Claimant's a pplication for Medical Assistance (M.A.) and Food Assistance Program (F AP) benefits on December 26, 2013, and denied the application on December 30, 2013.

The Department failed to present sufficient ev idence that the Claimant is not eligible fo r Medical Assistance (M.A.) or Food As sistance Program (FAP) benefits. The Department failed to present sufficient ev idence that it properly processed the Claimant's application for ben efits during the four days after he submitted his application.

This Administrative Law Judge finds that the Department failed to establish that it was acting in accordanc e with policy when it processed the Claimant's application for Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits.

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 t hat the Department failed to satisfy its burden of showing t hat it acted in accordanc e with Department policy when it processed the Claimant's application fo r Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits.

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

☒ THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WIT H DE PARTMENT P OLICY AND CONSIS TENT WIT H THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reprocess the Claimant's December 26, 2013, application for benefits in accordance with policy.

2. Initiate a determination of the Claimant 's eligibility for Medical As sistance (M.A.) and Food Assistance Program (FAP) benefits based on t he December 26, 2013, application for benefits.

3. Provide the Claimant with a Notice of Case Action (DHS-16 05) describing the Department's revised eligibility determination.

4. Issue the Claimant any retroactive benefits he may be eligible to receive, if any.

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 12, 2014

Date Mailed: February 12, 2014

NOTICE OF APP EAL: The c laimant may appea l the Dec ision and Order to Circuit Court within 30 days of the rece ipt of the Decision and Order or, i f a timely Request for Rehearing or Reconsiderati on was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing S ystem (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 disc overed 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 t he hearing decision relevant issue s raised in the hearing request.

The Department, AHR or the clai mant must specify all reas ons 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: [redacted]