

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 2014 24993
Issue No(s): 2002,3002
Case No.: ██████████
Hearing Date: February 27, 2014
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Assistance Payments Worker, and ██████████, FIM.

ISSUE

Did the Department properly calculate the Claimant's Food Assistance (FAP) benefits?

Did the Department properly deny the Claimant's Medical Assistance Application for failure to verify information?

FINDINGS OF FACT

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

1. The Claimant completed a redetermination for Food Assistance in November 2013. At the time the Claimant provided proof of ending of employment for her son and had completed a PATH sanction.

2. The Department conceded at the hearing that it did receive proof of employment ending for Claimant's son [REDACTED] at the time of the redetermination and acknowledged that the sanction imposed for non-compliance had ended and that Claimant should have been returned as a FAP group member in November 2013.
3. The Claimant also applied for Medical Assistance on January 4, 2014.
4. On January 14, 2014 the Department issued a Notice of Case Action and denied the Claimant's application for failure to verify bank account information. At the hearing the Department conceded that the application was denied in error as the bank account information was received timely.
5. The Claimant requested a hearing on January 24, 2014 protesting the calculation of her FAP benefits and denial of the application for Medical Assistance.

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 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, the Department denied the Claimant's application for Medical Assistance due to failure to provide the Department bank account statements as part of the verification process. At the hearing the Department acknowledged that the Department denied the application in error as the bank account information was received and therefore it should have processed the application. Based upon the evidence presented and the sworn testimony received, it is determined that the Department improperly denied the Claimant's application dated January 4, 2013.

At the hearing the Department advised that as part of the redetermination the Claimant did provide evidence of ending of employment for her son [REDACTED] which income was never

removed from the Claimant's FAP benefit calculation after the redetermination. The Department conceded the son's employment income should be removed as of December 2013 and benefits recalculated. Also, in making its review it was discovered that the Claimant should have been restored to her FAP group after expiration of a PATH sanction and was never so restored. The Department conceded that as of November, 2013, the Claimant should have been, but was not, included in her FAP group. Based upon these admissions it is determined that the Department did not properly process the redetermination and did not timely restore the Claimant to her FAP group as a FAP group member, and thus did not determine the Claimant's FAP benefit allotment correctly.

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

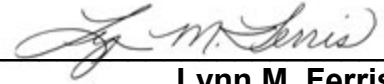
- did not act in accordance with Department policy when it calculated the Claimant's Food Assistance benefits.
- did not act in accordance with Department policy when it denied the Claimant's application for Medical Assistance.

DECISION AND ORDER

Accordingly, the Department's decision is

- REVERSED.
- 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. The Department shall re-register the Claimant's January 4, 2014 application for Medical Assistance and shall process the application and determine eligibility.
 2. The Department shall provide the Claimant notice of its eligibility determination for Medical Assistance.
 3. The Department shall recalculate the Claimant's Food Assistance beginning November 2013 and shall include the Claimant as a group member as of November 2013. The Department shall also recalculate the Claimant's Food Assistance benefits beginning December 2013 to remove the Claimant's son's income which terminated in November 2013 ongoing.

4. The Department shall issue FAP supplements to the Claimant for FAP supplements the Claimant was otherwise entitled to receive in accordance with Department policy and in accordance with this Decision.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 4, 2014

Date Mailed: March 4, 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

2014-24993/LMF

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]