

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

IN THE MATTER OF:

██████████
██
████████████████████

Reg. No.: 2014 25472
Issue No(s): 3008, 2001
Case No.: ██████████
Hearing Date: March 6, 2014
County: Wayne (15)

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 March 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, ES.

ISSUE

Did the Department properly deny the Claimant's applications for Medical Assistance?

Did the Department properly calculate the Claimant's Food Assistance Allotment?

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 was an ongoing recipient of Food Assistance.
2. The Department issued a Notice of Case Action on January 14, 2014 reducing the Claimant's FAP benefits effective February 1, 2014 to \$36 per month.
3. The Claimant applied for Medical Assistance on January 13, 2014. The Department denied the application on January 15, 2014 due to the Adult Medical Program (AMP) being closed. The application filed by the Claimant on January 13, 2014 did not advise or indicate the Claimant was disabled.

4. The Claimant requested a hearing on January 28, 2014 protesting 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 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 Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

Denial of MA Application

Based on the Department's testimony at the hearing, the Department denied the application because enrollment in the Adult Medical Program (AMP) was closed and because Claimant did not identify herself as blind, disabled, pregnant, the parent/caretaker of a dependent child, under age 21 or age 65 or older in her application.

An individual may receive MA coverage if he/she qualifies under (i) a FIP-related MA category, which is available if the individual has dependent children who live with him/her, is the caretaker relative of dependent children, is under age 21, or is pregnant or recently pregnant, or (ii) an SSI-related MA category, which is available if the individual is aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (July 2013), p. 1; BEM 132 (July 2013), p. 1; BEM 135 (July 2013), p. 1; BEM 163 (July 2013), p. 1; BEM 166 (July 2013), p. 1.

The Department denied the Claimant's application for medical assistance because the Claimant did not indicate in her application filed online that she was disabled or 65 or caretaker/relative of a dependent child. Therefore, the only other eligible program would be the Adult Medical Program, which was closed to new enrollment and therefore the Department properly denied the application. The evidence presented at the hearing established that Claimant did not meet any of the criteria for SSI-related or FIP-related MA. Thus, the Department acted in accordance with Department policy when it denied Claimant's MA application.

AMP provides limited medical services for persons not eligible for MA coverage. BEM 100 (October 2013), p. 6. The AMP program was closed to new enrollees in January 2014, the month of Claimant's application. Therefore, the Department acted in accordance with Department policy when it denied Claimant's January 13, 2014 application for AMP eligibility. See BEM 640 (July 2013), p. 1.

The Claimant's food assistance budgets before reduction and after reduction were reviewed at the hearing. The Department established that it correctly added the correct income of \$1046 in unearned income from social security which was not included in the prior budget thereby causing the reduction. The rent of \$279 was correct and included in the benefit calculation, as was the utility allowance. Based upon the evidence presented, it is determined that the Department properly calculated the Claimant's FAP allotment to be \$36 and the reduction was correct. Exhibits 1 and 2.

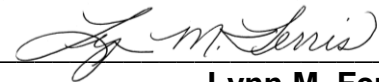
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

- acted in accordance with Department policy when it denied the Claimant's application for Medical Assistance as the AMP program was closed to new enrollees.
- acted in accordance with Department policy when it reduced the Claimant's Food allotment as the Claimant's group size was reduced and income from RSDI was added, all in accordance with Department policy.

DECISION AND ORDER

Accordingly, the Department's decision is

- AFFIRMED.



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

Date Signed: March 11, 2014

Date Mailed: March 11, 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

LMF/cl

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