

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201424981  
Issue No.: 2007; 3002; 5004  
Case No.: [REDACTED]  
Hearing Date: February 27, 2014  
County: Wayne (76)

**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 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant; [REDACTED], Claimant's authorized hearing representative (AHR); and [REDACTED], Claimant's girlfriend. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly deny Claimant's Food Assistance Program (FAP) application?

Did the Department properly process Claimant's Medical Assistance (MA) application?

Did the Department properly process Claimant's State Emergency Relief (SER) application?

**FINDINGS OF FACT**

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

1. On December 17, 2013, Claimant submitted a DHS-1171 application for FAP, MA and SER assistance to a Department office that was not in the district where he resides.

2. On December 26, 2013, Claimant's application was received by his local Department office.
3. On December 30, 2013, the Department sent Claimant a Verification Checklist requesting verification of his identity, self-employment, disability, and checking account.
4. On January 10, 2014, the Department sent Claimant a Notice of Case Action denying his FAP application.
5. On January 31, 2014, Claimant filed a request for hearing disputing the Department's actions concerning his FAP, MA and SER application.

### **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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

Additionally, Claimant requested a hearing concerning his FAP, MA and SER application. At the hearing, Claimant alleged that he had requested assistance from his local Department office in completing the application, and, when no assistance was provided, he drove to the Macomb County, Warren District office for assistance. The Department is required to assist a client who requests assistance. BAM 105 (October 2013), p. 12. Claimant's application showing that it was received by the Warren District office on December 17, 2013 supports Claimant's testimony that he went to another office after his local office would not assist him. Because Claimant established that the Department's local office did not assist him with his application, it is properly considered

submitted to his local office on December 17, 2013, which serves as the date of registration. See BAM 110 (January 2014), pp. 4-5, 15-16 (providing that a person may request assistance in any local office in Michigan but the local office that services the person must process the application and the date the local office receives the application is the application date). Therefore, for purposes of this review, Claimant's application date is deemed December 17, 2014.

### **FAP Denial**

In a January 10, 2014 Notice of Case Action, the Department denied Claimant's December 26, 2013 FAP application because he had failed to verify requested information.

The Department established that it sent Claimant a December 30, 2013 VCL requesting verification of identify, self-employment income, checking account, and disability by January 9, 2014. The Department included the DHS-0431 Self-Employment Income and Expense Statement form for Claimant to use to verify his income and expenses for the self-employment he identified on his application.

Claimant acknowledged receiving the VCL. While he indicated that he did not realize there was a second page to his VCL, he credibly testified that he contacted his worker three times and left messages requesting assistance concerning the disability and self-employment information he was required to provide, explaining that he anticipated having to submit such documentation in light of the information he provided in his application. The fact that the Department also sent the DHS-0431 self-employment forms may have also triggered Claimant's request for assistance since he indicated that he had limited income for his business and needed assistance in explaining his finances. The Department did not respond to Claimant's requests for assistance. Consequently, the Department did not act in accordance with Department policy when it denied Claimant's FAP application. See BAM 105, p. 12.

### **MA Application**

In Claimant's application received by his local office on December 26, 2013, Claimant clearly indicated that he was requesting MA benefits and identified himself as disabled. The Department has 45 days to approve or deny an application, except that the Department has 90 days for MA categories in which disability is an eligibility factor. BAM 115 (July 2013), pp. 15-16. A client not eligible for Retirement Survivors and Disability Insurance (RSDI) from the Social Security Administration must provide evidence of his disability or blindness, and the Department must request medical documentation from the client (and assist the client if requested) to refer to the Medical Review Team (MRT) for a disability determination. BEM 260 (July 2013), pp. 3-4; BAM 815 (July 2013), pp. 2-6.

In this case, more than 45 days had lapsed from the date the application was filed to the hearing date. The Department was unable to establish whether Claimant's MA application had been denied or was being processed for a disability determination by

MRT. Therefore, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy in processing Claimant's MA application.

**SER Application**

The Department testified that, while Claimant had submitted a DHS-1171 assistance application requesting SER assistance, he had not completed a SER application, and as a result no SER application was registered for Claimant. All SER applicants must complete the DHS-1541, Application for State Emergency Relief, unless they apply online through MIBridges for an SER covered service. ERM (October 2013), p. 1.

In this case, Claimant credibly testified that, when no one in his local Department office would assist him, he drove to a Macomb County office, completed his DHS-1171 and submitted it to the front desk. The application submitted into evidence stamped with a received date of December 17, 2013 in the Macomb DHS/Warren District supports Claimant's testimony. Claimant stated that, when he submitted the DHS-1171 at the Warren District, the worker advised him that he also had to complete an additional SER application. Claimant credibly testified that he completed the SER application and submitted it at the Warren District front office, adding that the worker had made a copy of his utility bill.

Because Claimant established that he submitted a DHS-1541 at the Warren office, the Department did not act in accordance with Department policy when it failed to register and process the application. See ERM 103, pp. 1-2.

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 did not act in accordance with Department policy when it failed to register and process Claimant's December 17, 2013 MA and SER applications and when it denied Claimant's FAP application.

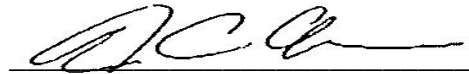
**DECISION AND ORDER**

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. Reregister and reprocess Claimant's December 17, 2103 FAP, SER and MA application;
2. Issue supplements to Claimant (or his providers) for any SER and/or FAP benefits he is eligible to receive based on the December 17, 2013 application;

3. Provide Claimant with any MA coverage he is eligible to receive from the date of application ongoing; and
4. Notify Claimant in writing of its FAP, MA and SER decisions.



**Alice C. Elkin**  
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

ACE/tlf

cc:

