

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

IN THE MATTER OF:



Reg. No.: 2014-25474
Issue No(s): 2001; 2010; 3001
Case No.: [REDACTED]
Hearing Date: March 3, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Eligibility Specialist.

ISSUES

Did the Department properly deny Claimant's Food Assistance Program (FAP) application effective January 14, 2014, ongoing?

Did the Department properly deny Claimant's Medical Assistance (MA) and Adult Medical Program (AMP) application effective January 1, 2014, ongoing?

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 January 14, 2014, Claimant applied for FAP and MA/AMP benefits.
2. On January 14, 2014, Claimant indicated in the application that she is a full-time student. See Exhibit 1.
3. On January 17, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective January 14, 2014, ongoing, due to her not being an eligible student. See Exhibit 1.

4. On January 17, 2014, the Notice of Case Action also notified Claimant that her AMP was denied effective January 1, 2014, ongoing, due to the program being closed for new enrollment. Exhibit 1.
5. On January 17, 2014, the Notice of Case Action also notified Claimant that her MA application was denied effective January 1, 2014, ongoing, due to her not being blind, disabled, pregnant, parent/caretaker relative of a dependent child or meet age requirements. Exhibit 1.
6. On February 5, 2014, Claimant filed a hearing request, protesting her MA and FAP denial. See Exhibit 1.

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.

FAP application

For FAP cases, a person enrolled in a post-secondary education program may be in student status. BEM 245 (July 2013), p. 1. A person in student status must meet certain criteria in order to be eligible for assistance. BEM 245, p. 1.

For FAP cases, a person is in student status if he is:

- Age 18 through 49 and
- Enrolled half-time or more in a:
 - Vocational, trade, business, or technical school that normally requires a high school diploma or an equivalency certificate.
 - Regular curriculum at a college or university that offers degree programs regardless of whether a diploma is required.

BEM 245, p. 3.

In order for a person in student status to be eligible, they must meet one of the criteria's listed in BEM 245. BEM 245, pp. 3-5. One of those criteria's includes being employed for at least 20 hours per week and paid for such employment. BEM 245, pp. 3-4.

In this case, on January 14, 2014, Claimant applied for FAP benefits. On January 14, 2014, Claimant indicated in the application that she is a full-time student. See Exhibit 1. Claimant also testified that she is not employed. See also Request for Hearing, Exhibit 1. On January 17, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective January 14, 2014, ongoing, due to her not being an eligible student. See Exhibit 1.

Based on the foregoing information and evidence, the Department properly denied Claimant's FAP application effective January 14, 2014, ongoing, in accordance with Department policy. Claimant is enrolled half-time or more in school and was not employed at the time of application. Because Claimant is enrolled half-time or more in school, she also must meet one of the criteria's listed in BEM 245 to be in student status. BEM 245, pp. 3-5. One of those criteria's includes being employed for at least 20 hours per week and paid for such employment. BEM 245, pp. 3-4. Due to Claimant not being employed, she is an ineligible student. BEM 245, pp. 3-4. Moreover, based on Claimant's testimony, she does not meet any of the additional criteria's listed in BEM 245, pp. 3-5. Thus, the Department properly denied Claimant's FAP application in accordance with Department policy. BEM 245, pp. 1-5.

MA/AMP application

On January 14, 2014, Claimant also applied for MA/AMP benefits. On January 17, 2014, the Notice of Case Action also notified Claimant that her AMP was denied effective January 1, 2014, ongoing, due to the program being closed for new enrollment. Exhibit 1. On January 17, 2014, the Notice of Case Action also notified Claimant that her MA application was denied effective January 1, 2014, ongoing, due to her not being blind, disabled, pregnant, parent/caretaker relative of a dependent child or meet age requirements. Exhibit 1.

First, applications received during the freeze on AMP enrollments must be registered and denied using "applicant did not meet other eligibility requirements" as the denial reason. BEM 640 (July 2013), p. 1. Applicants must be informed that the reason for denial is an enrollment freeze. BEM 640, p. 1.

Based on the foregoing information and evidence, the Department properly denied Claimant's AMP application effective January 1, 2014, ongoing, in accordance with Department policy. BEM 640, p. 1. Claimant's application occurred during the enrollment freeze and the Department properly informed her that she was denied for this reason. BEM 640, p. 1.

Second, Claimant also applied for MA benefits. Claimant's testimony and evidence indicated that she is not blind, disabled, pregnant, parent/caretaker relative of a dependent child or meet age requirements.


BEM 260 discusses the MA disability policy. BEM 260 (July 2013), pp. 1-14. BEM 211 also discusses the MA group composition policy. BEM 211 (January 2014), pp 1-5.

Based on the foregoing information and evidence, the Department properly denied Claimant's MA application effective January 1, 2014, ongoing, in accordance with Department policy. It was determined that Claimant was not disabled, blind, pregnant, parent/caretaker relative of a dependent child or meet age requirements. Because Claimant did not meet any of the MA eligibility factors, the Department properly denied her MA application effective January 1, 2014, ongoing.

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 (i) properly denied Claimant's FAP application effective January 14, 2014, ongoing; and (ii) properly denied Claimant's MA/AMP application effective January 1, 2014, ongoing.

Accordingly, the Department's FAP and MA/AMP decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 6, 2014

Date Mailed: March 6, 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

EJF/tlf

cc:

