

**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.: 14-007043
Issue No.: 1000; 2004; 3004
Case No.: ██████████
Hearing Date: AUGUST 21, 2014
County: WAYNE-DISTRICT 17

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 August 21, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, PATH Case Manager.

ISSUE

Did the Department properly process Claimant's March 2014 application for Food Assistance Program (FAP) and Medical Assistance (MA) benefits?

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 March 26, 2014, Claimant applied for FAP, MA and Family Independence Program (FIP) benefits.
2. On June 17, 2014, Claimant filed a request for hearing alleging that the Department had failed to process his 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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Additionally, Claimant requested a hearing on June 17, 2014 concerning the Department's failure to process his application. Although Claimant did not identify the programs at issue, the Department responded that the application at issue was for FAP, MA and FIP benefits. At the hearing, Claimant testified that he did not wish to pursue a hearing concerning the FIP benefits. Therefore, Claimant's request for hearing concerning FIP is dismissed at his request. The hearing proceeded to address Claimant's concerns regarding his FAP and MA application.

At the hearing, the Department acknowledged that Claimant had applied for FAP and MA on March 26, 2014 but his application had been misplaced. The Department testified that the application was subsequently found and processed in mid-July 2014 and a Notice of Case Action was sent to Claimant on July 23, 2014 denying the application. The Department did not provide a copy of the Notice into evidence and Claimant denied receiving any written notice concerning his application. Furthermore, the Department's testimony with respect to the FAP denial is inconsistent with the eligibility summary run on July 23, 2014 that shows that Claimant was approved for FAP benefits from March 26, 2014 to April 30, 2014 and subsequently denied. The eligibility summary shows no action taken with respect to Claimant's MA application.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy in processing Claimant's March 26, 2014 application for MA and FAP benefits.

DECISION AND ORDER

Claimant's June 17, 2014 hearing request concerning the FIP issue is DISMISSED.

The Department's MA and FAP actions are 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. Reinstate and reprocess Claimant's March 26, 2014 MA and FAP application;
2. Provide Claimant with FAP benefits he is eligible to receive but did not from March 26, 2014 ongoing;
3. Provide Claimant with MA benefits he is eligible to receive but did not from March 1, 2014 ongoing; and
4. Notify Claimant in writing of its FAP and MA decisions.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/25/2014**

Date Mailed: **8/25/2014**

ACE / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

[Redacted list of recipients]