

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 14-009992
Issue No.: 2001, 3003, 6000
Case No.: ██████████
Hearing Date: September 15, 2014
County: WAYNE (19)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 hearing was held on September 15, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payments Worker.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) because she was not the caretaker of a minor child?

Did the Department properly fail to issue Claimant Food Assistance Program (FAP) benefits beginning June 1, 2014?

FINDINGS OF FACT

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

1. Claimant applied for MA benefits on April 23, 2014.
2. On June 9, 2014, the Department sent Claimant a Health Care Determination Notice notifying her that her application for MA benefits had been denied.
3. Claimant is an ongoing FAP recipient.

4. In April 2014, the Department sent Claimant a Redetermination and a Redetermination Telephone Interview notice scheduling the interview for May 5, 2014.
5. On or about May 1, 2014, Claimant returned the completed Redetermination together with her and her husband's paystubs as well as her school schedule.
6. Claimant did not receive a telephone call on May 5, 2014.
7. On June 26, 2014, Claimant again provided her and her husband's paystubs.
8. On August 14, 2014, Claimant provided the information for a third time.
9. Claimant has not received FAP benefits since May 2014.
10. On August 4, 2014, Claimant filed a Request for Hearing disputing 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 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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers

the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

CDC

The hearing was requested to dispute the Department's action taken with respect to the MA, FAP and CDC benefits. Shortly after commencement of the hearing, Claimant testified that she now understood the Department's actions regarding her April 2014 CDC application. As a result, Claimant stated that she did not wish to proceed with the hearing regarding her April 2014 CDC application. The Request for Hearing was withdrawn with respect to her April 2014 CDC application only. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding Claimant's April 2014 CDC application is, hereby, **DISMISSED**.

Claimant's MA

Claimant applied for MA benefits on or about April 23, 2014. On June 9, 2014 the Department sent Claimant a Health Care Determination Notice notifying her that her application for MA benefits had been denied. The Department did not provide a copy of the Health Care Determination Notice but testified that the reason given on the notice was that Claimant was not under 21, pregnant or the caretaker of a minor child. The Department confirmed that Claimant was the caretaker of a minor child and that her application for MA benefits should not have been denied for this reason. It should be noted that Claimant's minor daughter was present at the hearing. Accordingly, it is found that the Department improperly denied Claimant's April 2014 application for MA benefits.

FAP/MA for Claimant's children

The Department of Human Services must periodically redetermine an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 201 (October 2013), p. 1. In this case, the Department sent Claimant a Redetermination and a Redetermination Telephone Interview Notice. The Telephone Interview Notice advised Claimant that she had been scheduled for a telephone interview on May 5, 2014. Claimant testified that she returned the Redetermination along with her paystubs and school information on or about May 1, 2014. Claimant further stated that she did not receive a telephone call on May 5, 2014.

Claimant stated and the Department confirmed that she last received FAP benefits in May 2014. The Eligibility Summary revealed that Claimant's FAP benefits have been in a pending status since June 1, 2014. Accordingly to the Claimant's Eligibility Summary, her children last received medical coverage in July 2014. The Department testified that both the FAP benefits and the children's MA benefits were impacted due to its failure to process Claimant's Redetermination. The Department further stated that Claimant submitted her and her husband's paystubs on June 26, 2014. Claimant last worked in February 2014.

The Department acknowledged that it did not request that Claimant complete a Verification of Employment until August 4, 2014. The Department was unable to state why the Verification of Employment was not sent out sooner. Notwithstanding this, the Department testified that even though it has all necessary documentation to determine Claimant's eligibility for benefits, it has been unable to do so due to a glitch in its system. It is found that Claimant timely returned all necessary documents and that the Department should have therefore determined her eligibility for FAP benefits and the children's eligibility for MA benefits following the receipt of the completed Redetermination in May 2014.

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 policy when it denied Claimant's April 2014 application for benefits. It is further found that the Department did not act in accordance with policy when it pended Claimant's FAP benefits and either pended or closed the MA benefits for her children.

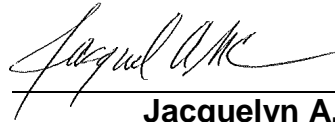
DECISION AND ORDER

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 April 2014 application for MA benefits.
2. Issue supplements for MA benefits that Claimant was eligible to receive but did not based upon her April 2014 application;
3. Redetermine Claimant's eligibility for FAP benefits effective June 1, 2014, ongoing;
4. Issue FAP supplements to Claimant effective June 1, 2014, ongoing;
5. Redetermine Claimant's children's eligibility for MA benefits effective August 1, 2014, ongoing;
6. Issue MA supplements regarding Claimant's children's MA benefits effective August 1, 2014;
7. Notify Claimant in writing by issuing a Health Care Determination Notice regarding Claimant's April 2014 application for MA benefits;
8. Notify Claimant in writing by issuing a Notice of Case Action regarding Claimant's eligibility for FAP benefits effective June 1, 2014; and

9. Notify Claimant in writing by issuing a Health Care Determination Notice regarding Claimant's children's MA benefits effective August 1, 2014, ongoing.



Jacquelyn A. McClinton
McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/23/2014**

Date Mailed: **9/23/2014**

JAM / cl

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

