

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-015792
Issue No.: 2000, 3007
Case No.: [REDACTED]
Hearing Date: December 16, 2014
County: MACOMB-DISTRICT 12

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 December 16, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself and her husband [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED].

ISSUE

Did the Department properly determine the current amount of Claimant's Food Assistance Program eligibility on October 23, 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 was an ongoing recipient of Food Assistance Program benefits.
2. On October 23, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated she was eligible for \$ [REDACTED] pf Food Assistance Program benefits per month beginning November 1, 2014.
3. On November 3, 2014, Claimant submitted a hearing request.

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.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because [a] claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 provides in relevant part as follows:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

BAM 600 goes on to identify the types of hearings that are granted:

All Programs

MAHS may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For **FAP only**, the current level of benefits or denial of expedited service.

Medical Assistance

In the present case, Claimant submitted a hearing request on November 3, 2014. The writing in the request states that Claimant was placed on a deductible (Medical Assistance) beginning December 2013 ongoing but that was a mistake because she was only supposed to be on the deductible for December. Claimant goes on to state

that she was charged when she went to the Doctor and wants to be reimbursed and have her bills resubmitted.

During this hearing it was explained by the Department that Claimant was approved for Medical Assistance in May 2014 and coverage was applied retroactively back to January 1, 2014. The written notice from the Department regarding the change in Medical Assistance was sent in May 2014. The November 3, 2014, hearing request was submitted more than 90 days after the written notice. No jurisdiction exists to address the resubmission of Claimant's medical bills from January through May 2014. The Medical Assistance portion of this case is **DISMISSED**.

Food Assistance Program

In the November 3, 2014, hearing request Claimant also states "I believe my food stamps were wrong as well." The restrictions of BAM 600, cited above, provide for review of a Departmental denial, reduction, suspension, or restriction action, noticed within 90 days of the date of a hearing request.

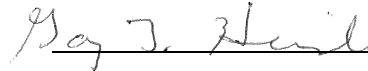
Claimant was sent a Notice of Case Action (DHS-1605) on August 18, 2014 which stated her Food Assistance Program would close on September 1, 2014. Claimant was sent a Notice of Case Action (DHS-1605) on August 25, 2014 which prevented closure of her Food Assistance Program beginning September 1, 2014 and instead increased the Food Assistance Program benefit amount beginning September 1, 2014 to \$ [REDACTED]. The August 18, 2014 Notice of Case Action (DHS-1605) did not take effect. The August 25, 2014 action was an increase, not a denial, reduction, suspension, or restriction action. There is no jurisdiction to review the August 25, 2014 Food Assistance Program action.

The most recent Food Assistance Program eligibility determination made by the Department is dated October 23, 2014. The Notice of Case Action (DHS-1605) sent to Claimant stated Claimant's Food Assistance Program benefit group was approved for \$ [REDACTED] of benefits beginning November 1, 2014. In accordance with BAM 600 (cited above) there is jurisdiction to review the current level of Food Assistance Program benefits. The Food Assistance Program financial eligibility budget used to determine that amount was reviewed. Claimant expressed a concern about the amount of child support used in the budget. Review of the evidence showed that Claimant's concern had been addressed and the proper amount of child support was used in the October 23, 2014 Food Assistance Program financial eligibility budget.

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 determined the current amount of Claimant's Food Assistance Program eligibility on October 23, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Gary Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/23/2014**

Date Mailed: **12/23/2014**

GFH/hj

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 48909-8139

cc:

