

**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.: 14-016855
Issue No.: 1001
Case No.: ██████████
Hearing Date: April 02, 2015
County: Macomb-District 20 (Warren)

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 April 1, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearing Facilitator.

ISSUE

Did the Department properly deny Claimant's September 16, 2014 application for Family Independence Program (FIP) 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. Claimant has two minor children in her household.
2. On September 16, 2014, Claimant applied for FIP benefits for herself only.
3. On October 9, 2014, the Department sent Claimant a Notice of Case Action denying the application. In the "comments from your specialist" section of the Notice, the specialist stated "Client is not eligible for cash as an individual; client must also request cash for children[.]"
4. On November 17, 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 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.

Qualifying individuals are eligible for cash assistance under the SDA program if disabled or the caretaker of a disabled person or under the FIP program if caring for a minor child. BEM 214 (April 2014), p. 1; BEM 210 (July 2013), p. 1. When an individual applies for cash assistance, the Department must determine the group composition and consider the client's eligibility for cash assistance in the following order: FIP, then Refugee Cash Assistance (RCA), and then SDA. BEM 209 (July 2013), p. 1.

At the hearing, Claimant acknowledged that she was not disabled, the caretaker of a disabled person or a refugee and that she was seeking cash assistance based on the fact that she was the parent of two minor children in the home. Group composition for FIP purposes is based on the determination of which individuals living together are included in the FIP eligibility determination group (EDG) and the FIP certified group. BEM 210 (July 2013), p. 1. Department policy provides that when cash assistance is requested for a dependent child, **or a dependent child is a mandatory FIP EDG member**, the FIP EDG consists of the dependent child, the child's legal siblings and the child's legal parents. BEM 210 (July 2014), p. 5 (emphasis added). The FIP certified group consists of the individuals within the EDG who are eligible for FIP. Bridges Policy Glossary (BPG) (July 2014), p. 11.

In this case, Claimant was receiving Food Assistance Program (FAP) benefits for herself and her two minor children. Therefore, the Department was aware that Claimant had minor children in the household. Although the Department denied Claimant's FIP application because she had not requested cash assistance on the children's behalf on the application, the children were mandatory FIP EDG members. Accordingly, the Department was required to consider the children in determining Claimant's eligibility for FIP assistance. Under the facts presented, the Department did not act in accordance with Department policy when it denied Claimant's FIP application because she did not request cash assistance for the children in her 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 September 16, 2014, FIP application to include Claimant's two minor children as mandatory FIP EDG members;
2. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from September 16, 2014, ongoing; and
3. Notify Claimant in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/15/2015**

Date Mailed: **4/15/2015**

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 48909-8139

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]