

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201422063
Issue No.: 1001, 2001, 3001, 5000
Case No.: [REDACTED]
Hearing Date: February 11, 2014
County: Macomb County DHS #20

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 February 11, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for Family Independence Program (FIP), Medical Assistance (M.A.), and Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. On December 6, 2013, the Claimant's employment ended.
2. On December 20, 2013, the Claimant submitted an application for Family Independence Program (FIP), Medical Assistance (M.A.), and Food Assistance Program (FAP) to the Department.
3. On January 3, 2014, the Department denied the Claimant's application for Family Independence Program (FIP) and Medical Assistance (M.A.) because she does not meet the non-financial requirements to participate in these programs.
4. On January 3, 2014, the Department sent the Claimant a Verification Checklist (DHS-3503) and a Verification of Employment (DHS-38) requesting that the Claimant provide verification of her ending employment by January 13, 2014.

5. On January 13, 2014, the Claimant provided the Department with verification that she had received her last paycheck on December 13, 2013.
6. On January 14, 2014, the Department approved the Claimant for Food Assistance Program (FAP) with a monthly allotment of \$ [REDACTED]
7. The Department received the Claimant's request for a hearing on January 13, 2014, protesting the denial of Family Independence Program (FIP) and Medical Assistance (M.A.) benefits, and the amount of her Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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.

A benefit group requesting Family Independence Program (FIP) benefits must include a dependent child who lives with a legal parent, stepparent, or other qualifying caretaker. Department of Human Services Bridges Eligibility Manual (BEM) 210 (July 1, 2013), p 1.

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA). Medical Assistance (M.A.) is available for minor children, pregnant women, the caretakers of minor children, as well as senior and disabled applicants. Department of Human Services Bridges Eligibility Manual (BEM) 105 (January 1, 2014), pp 1-7.

On December 6, 2013, the Claimant submitted an application for Family Independence Program (FIP) and Medical Assistance (M.A.) benefits. The Department denied the Claimant's application because she did not claim to be disabled, and does not meet the non-financial requirements of these programs. The Department was unable to consider the Claimant for the Adult Medical Program (AMP) because enrollment in that program was frozen when the Claimant submitted her application. The Department established that it properly denied the Claimant's application for Family Independence Program (FIP) and Medical Assistance (M.A.) benefits.

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.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2013).

For stopped income, budget the final income expected to be received in the benefit month. Use the best available information to determine the amount of the last check expected. Use information from the source and from the client. Remove stopped income from the budget for future months. Department of Human Services Bridges Eligibility Manual (BEM) 505 (July 1, 2013), p 7.

On December 20, 2013, the Claimant applied for Food Assistance Program (FAP) benefits. On her application for benefits, the Claimant reported that her employment had ended on December 6, 2013.

On January 3, 2014, the Department sent the Claimant a Verification Checklist (DHS-3503) and a Verification of Employment (DHS-38) requesting that the Claimant provide verification of her ending employment by January 13, 2014. The Claimant provided timely verification that her employment ended on December 6, 2013, and that her last paycheck was received on January 13, 2014.

On January 14, 2014, the Department determined that she was eligible to receive a monthly allotment of Food Assistance Program (FAP) in the amount of \$ [REDACTED]

The Claimant argued that the Department had improperly considered her ending income to determine her eligibility for the Food Assistance Program (FAP).

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department properly considered earned income ending within 30 days of the Claimant's application for benefits to determine her eligibility for the Food Assistance Program (FAP).

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, et seq., and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide

an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

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.

Department of Human Services Bridges Administrative Manual (BAM) 600 (July 1, 2013), p 4.


The Claimant failed to establish an issue with respect to the State Emergency Relief (SER) program under the jurisdiction of the Michigan Administrative Hearing System and the Claimant's request for a hearing is dismissed with respect to the State Emergency Relief (SER) only.

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 determined the Claimant's Food Assistance Program (FAP) eligibility. The Department properly denied Medical Assistance (M.A.) and Family Independence Program (FIP) benefits because the Claimant does not meet the non-financial requirements of these programs. The Claimant's request for a hearing is dismissed with respect to the State Emergency Relief (SER) only.

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

Kevin


Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 19, 2014

Date Mailed: February 19, 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

KS/hj

cc:

