

**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.: 2014 25278
Issue No(s): 1010, 3008, 2000
Case No.: ██████████
Hearing Date: March 3, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 March 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Medical Contact Worker.

ISSUE

Did the Department properly calculate the Claimant's Food Assistance ("FAP") benefits?

Is there an issue to be decided regarding Claimant's request for hearing regarding Claimant's FIP Cash Assistance closure or State Disability Assistance ("SDA") application dated January 14, 2014?

Did the Department properly close the Claimant's duplicate Medical Assistance Case #113781572?

FINDINGS OF FACT

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

1. The Claimant was and is an ongoing recipient of Medical Assistance LIF. The Department closed the Claimant's duplicate medical assistance case # ██████████ Exhibit 4 and Exhibit 1, page 7.

2. The Claimant's Medical Assistance case [REDACTED] remains open and is active. Exhibit 1 pp 7.
3. On January 21, 2014 The Department issued a Notice of Case Action which determined that the Claimant's net unearned income had changed. The Notice indicated that the Department included \$200 in unearned income when calculating the Claimant's FAP benefits. Exhibit 4.
4. The January 21, 2014 Notice of Case Action also closed the Claimant's FIP case due to exceeding the 60 month Federal time limit effective February 1, 2014. Exhibit 4 page 2.
5. At the time of the hearing the Claimant had applied for SDA on January 14, 2014 and the Department had the SDA application as still pending in the Bridges system and had not denied the Claimant's SDA application. The January 21, 2014 Notice of Case Action associated with the Claimant's hearing request did not take any action on the SDA application.
6. The Claimant requested a hearing on February 4, 2014 regarding the Department including \$200 in unearned income which she is not receiving when calculating the Claimant's FAP benefits, the closure of her Medical Assistance, and closure of her FIP case due to exceeding the 60 month Federal time limit claiming she was disabled during that time.

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 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 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.

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.

Additionally, in this case the Department's evidence demonstrated that the Claimant's Medical Assistance remained active at the time of the hearing ongoing for case # [REDACTED] for LIF. The Department's notice merely closed a duplicate case, thus nothing remained to be determined regarding the appropriateness of the Department's closure.

As regards the Claimant's Food Assistance, the Department included \$200 in income that the Claimant did not receive. Therefore, the Department must recalculate the FAP benefits. It may have been that the \$200 shown on the Eligibility Summary for SDA benefits pending was included by the Department in the FAP budget as unearned income in error. However, the Department did not establish that the \$200 was properly included in the FAP calculation as unearned income. Exhibit 3 and Exhibit 2, page 3.

During the hearing the Department did not provide the Notice of Case Action dated January 21, 2014 associated with the Claimant's Hearing Request until after the hearing. During the hearing the only issue presented by the Department involved the Claimant's January 2014 SDA application and the fact that it was pending. As SDA is a form of cash assistance the Department incorrectly assumed that the issue involved in the Claimant's request for hearing was regarding SDA and not FIP. As no action had been taken by the Department regarding Claimant's SDA application, the issue was deemed not ripe for decision or review.

The Notice of Case Action dated January 21, 2014 referenced above was faxed to the undersigned after the hearing. It was at that time that it was first made clear that the Claimant's hearing request regarding Cash Assistance challenged the Department's finding that the Claimant had exceeded the Federal 60 month limit. At the hearing, the Department only presented evidence that the SDA application had not been denied, and did not mention that the Claimant's FIP Cash Assistance was denied as of February 1, 2014 ongoing due to exceeding the 60 month time limit for receipt of FIP benefits. Exhibit 4 and Exhibit 2, page 3. Because no evidence was presented demonstrating proof that the 60 month limit had been exceeded by Claimant, the Department did not meet its burden of proof. The Claimant's hearing request stated, "For the cash, I was under medical for years so those months should count by law." This issue was not addressed or presented by the Department at the hearing and thus the Department did not meet its burden of proof.

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 closed the Claimant's duplicate Medical Assistance case # [REDACTED]
- did not act in accordance with Department policy when it calculated the Claimant's FAP benefits and included \$200 in unearned income the Claimant did not receive.

- failed to satisfy its burden of showing that it acted in accordance with Department policy when it did not properly present evidence to support the closure of Claimant's FIP case due to exceeding the 60 month Federal Time Limit.

DECISION AND ORDER

Accordingly, the Department's decision is

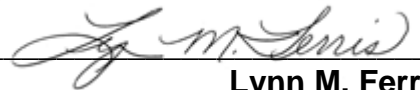
- AFFIRMED IN PART** with respect to closure of the Claimant's duplicate Medical Assistance case # [REDACTED]

and **REVERSED IN PART** with respect to its calculation of the Claimant's FAP benefits resulting in a reduction of FAP benefits;

and **REVERSED IN PART** as no evidence was presented regarding the closure of Claimant's FIP benefits due to exceeding the 60 month Federal Time Limit.

- 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. The Department shall recalculate the Claimant's FAP benefits and correctly determine the Claimant's unearned income, and request verification if deemed necessary. The Department shall not include the \$200 associated with the pending SDA application.
2. The Department shall reinstate the Claimant's FIP Cash Assistance effective February 1, 2014. The Department shall issue to Claimant a FIP supplement for any FIP benefits the Claimant was otherwise entitled to receive in accordance with Department policy.
3. The Claimant's request for hearing regarding closure of her Medical Assistance is hereby **DISMISSED** as no issue remains to be decided.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 26, 2014

Date Mailed: March 26, 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

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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