

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

**IN THE MATTER OF:**

██████████  
██████████  
██████████

Reg. No.: 14-017432  
Issue Nos.: 2001, 3001  
Case No.: ██████████  
Hearing Date: January 14, 2015  
County: Wayne (19-Inkster)

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**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 January 14, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant ██████████ ██████████ acted as interpreter. Participants on behalf of the Department of Human Services (Department) included ██████████

**ISSUE**

Did the Department properly process Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) redetermination in a timely manner?

**FINDINGS OF FACT**

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

1. On August 3, 2014, the Department states that Claimant received her FAP benefits in the amount of \$347.00.
2. On October 23, 2014, the Department sent Claimant a notice of case action informing her of her approval for FAP benefits.
3. On November 18, 2014, the Department sent Claimant a Health Care Coverage Determination Notice approving medical coverage for emergency services only.
4. On December 1, 2014, Claimant requested a hearing protesting the timing of the FAP approval and the approval of Medical Assistance for Emergency services only.

## **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.

### **MA**

The Department correctly approved Claimant's MA for emergency services only because an individual is limited to emergency services only for their first five (5) years in the United States. BEM 225 (July 2014).

### **FAP**

The Department raised the issue of non-cooperation with the Office of Child Support (OCS). During the hearing, the OCS faxed this Administrative Law Judge copies of a notice of cooperation effective September 6, 2014.

Claimant testified that a previous Administrative Law Judge had ordered the Department to supplement Claimant's FAP back to August 2014. The Department's hearing summary states that the Department approved \$347.00 in FAP benefits on August 3, 2014. However, the hearing summary is the only documentation of such a payment.

There appears to be some confusion as to Claimant's FAP benefits for the month of August 2014. The OCS lifted the sanction on September 1, 2014. If the sanction was still properly in force during the month of August, then the Department's statement that it paid the Claimant \$347.00 in August is even more in conflict with Departmental policy.

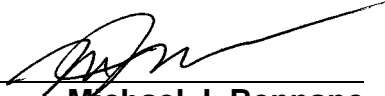
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

- acted in accordance with Department policy when it approved Claimant's MA for emergency services only.
- did not act in accordance with Department policy when it failed to provide documentation of its FAP payment to Claimant for the month of August 2014..
- failed to satisfy its burden of showing that it acted in accordance with Department policy when it .

### **DECISION AND ORDER**

Accordingly, the Department's decision is

- AFFIRMED.**
- REVERSED.**
- AFFIRMED IN PART** with respect to MA and **REVERSED IN PART** with respect to FAP.
  
- 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. Recalculate Claimant's FAP benefits and supplement for any benefits properly owed Claimant per Department policy.

  
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**Michael J. Bennane**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: **2/4/2015**

Date Mailed: **2/4/2015**

MJB / pf

**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.

