

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

MAHS Reg. No.: 15-013880
Issue No.: 1004; 2000; 3000
Agency Case No.: ██████████
Hearing Date: November 4, 2015
County: WAYNE-DISTRICT 76

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on November 4, 2015, from Detroit, Michigan. The Petitioner was represented by ██████████ Petitioner; and her witness, ██████████. The Department was represented by ██████████, Success Coach; and ██████████, Family Independence Manager.

ISSUES

Did the Department properly issue Petitioner Food Assistance Program (FAP) benefits?

Did the Department properly provide Medical Assistance (MA) coverage for Petitioner?

Did the Department fail to process Petitioner's Cash Assistance application dated February 13, 2015?

FINDINGS OF FACT

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

1. Petitioner is an ongoing recipient of FAP, Family Independence Program (FIP), and MA benefits. See Exhibit A, pp. 1-11 and Exhibit B, pp. 1-8.
2. Due to Department error, Petitioner was an ongoing recipient of State Disability Assistance (SDA) benefits. See Exhibit B, pp. 1-8.
3. Petitioner's Benefit Summary Inquiry indicates no lapse in FAP coverage. See Exhibit B, pp. 1-8.

4. Petitioner's Medicaid Eligibility indicates no lapse in MA coverage. See Exhibit A, pp. 1-11.
5. On [REDACTED], Petitioner applied for Cash Assistance benefits. See Exhibit D, pp. 1-10.
6. The Department failed to properly process Petitioner's Cash Assistance application dated [REDACTED].
7. On [REDACTED], Petitioner filed a hearing request, protesting the Department's action. See Exhibit E, pp. 2-3.
8. On [REDACTED], the Michigan Administrative Hearing System (MAHS) sent Petitioner a Notice of Hearing scheduling a hearing for [REDACTED].
9. On [REDACTED], Petitioner requested an in-person hearing.
10. On [REDACTED] [REDACTED] [REDACTED], the Administrative Law Judge sent Petitioner an Adjournment Order for In Person Hearing.
11. On [REDACTED], MAHS sent Petitioner a Notice of Hearing rescheduling her hearing for in-person on November 4, 2015.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Preliminary matters

First, Petitioner argued that her FAP benefits are cut-off every month and that she has to contact her worker to have her benefits reinstated. See Exhibit E, pp. 2-3 (Hearing Request). During the hearing, Petitioner testified that she disputed her FAP benefits from or around January of 2015. The Department did not dispute that her FAP benefits closed; however, the Department testified that it subsequently reinstated her benefits. Yes, Petitioner is obviously frustrated with the Department when her FAP benefits close. Nevertheless, the undersigned reviewed Petitioner's Benefit Summary Inquiry and discovered no lapse in FAP coverage. See Exhibit B, pp. 1-8.

Moreover, Petitioner argued that her MA benefits had been cut-off for the past year. See Exhibit E, pp. 2-3. Specifically, Petitioner argued that her MA benefits had closed from October of 2014. Again, though, the Department might have closed her MA benefits; however, a review of Petitioner's Medicaid Eligibility indicates no lapse in MA coverage. See Exhibit A, pp. 1-11.

Based on the foregoing information and evidence, Petitioner's FAP and MA issues are now moot because of the Department's subsequent action of certifying the FAP and MA benefits. This resulted in the Petitioner having no lapse of FAP and MA coverage. See Exhibit A, pp. 1-11 and Exhibit B, pp. 1-8. As such, Petitioner's FAP and MA hearing request is **DISMISSED**. See BAM 400 (July 2014), pp. 1-7 (Issuance of Program Benefits); BAM 401E (July 2014), pp. 1-19 (Electronic Benefit Transfer Issuance System); BAM 406 (July 2013), pp. 1-5 (Supplemental Food Assistance Benefits); and BAM 600 (April 2015 and October 2015), pp. 1-6.

Second, Petitioner also filed a hearing request indicating that she has applied for Cash Assistance three to four times and that she has been improperly denied. See Exhibit E, p. 2. Petitioner's hearing request indicated that she was then approved for benefits effective August 2015; however, Petitioner is seeking Cash Assistance for June and July of 2015, or even further back. See Exhibit E, pp. 2-3. During the hearing, Petitioner testified that she is seeking Cash Assistance benefits dating back to October of 2014.

At the hearing, the Department presented Petitioner's Electronic Case File, which showed three applications Petitioner submitted prior to her hearing request: [REDACTED]. See Exhibit C, pp. 1-3. The Department indicated that Petitioner's did not request Cash Assistance for the application dated [REDACTED]. However, the Department presented as evidence an application in which Petitioner did apply for Cash Assistance on [REDACTED]. See Exhibit D, pp. 1-10. Finally, Petitioner did apply for Cash Assistance on [REDACTED], and the Department indicated that she was subsequently approved for that application. See Exhibit E, p. 1 (Hearing Summary).

Based on the above information, the undersigned will not address Petitioner's Cash Assistance benefits dating back to October of 2014, and the undersigned will only address Petitioner's Cash Assistance application dated [REDACTED]. See BAM 600, pp. 1-6. The evidence fails to indicate any Cash Assistance applications before the application dated [REDACTED]. See Exhibit C, pp. 1-3.

Third, it was discovered during the hearing that Petitioner was an ongoing recipient of SDA benefits. See Exhibit B, pp. 2-5. However, the Department testified that Petitioner's application was opened in error for SDA benefits. See Exhibit E, p. 1. The Department testified that this was corrected to FIP benefits. See Exhibit E, p. 1. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying Petitioner of this system error and informed her that she would receive a \$936.50 supplement for the Cash Assistance. See Exhibit 1, p. 1. Moreover, the Department notated that it would be removing her son from the Cash Assistance effective [REDACTED]. See Exhibit 1, p. 1. During the hearing, Petitioner acknowledged the supplement. However, Petitioner argued that her son should be included in the FIP group composition, which would result in additional supplement she should be entitled too. But, the undersigned lacks the jurisdiction to address Petitioner's Notice of Case Action dated [REDACTED] because it occurred subsequent to her hearing request (dated [REDACTED]). Petitioner can file another hearing request to dispute her Notice of Case Action dated [REDACTED]. See BAM 600, p. 6 (The client or Authorized Hearing Representative (AHR) has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received in the local office within the 90 days).

Cash Assistance application dated [REDACTED]

In this case, Petitioner applied for Cash Assistance benefits on [REDACTED]. See Exhibit D, pp. 1-10. The Department's Hearing Summary, though, indicated that she applied on [REDACTED]. See Exhibit E, p. 1. Moreover, the Department testified that she failed to attend her scheduled orientation as a result of the February 2015 application. See Exhibit E, p. 1. Based on the Department's testimony, if Petitioner failed to attend her scheduled orientation, this would result in the denial of her application. However, the Department failed to present any evidence showing that it sent Petitioner a Notice of Case Action notifying her that her FIP application was denied

based on her failure to complete the Partnership. Accountability Training. Hope. (PATH) orientation. Furthermore, the undersigned is confused because the Department ultimately issued Petitioner supplements for her FIP benefits effective [REDACTED], ongoing. See Exhibit B, pp. 3-4. Issuing such supplements would mean that the denial and/or closure of the FIP benefits were improper.

The Department determines eligibility and benefit amounts for all requested programs. BAM 105 (January 2015), p. 17. Any person, regardless of age, or his/her authorized representative (AR) may apply for assistance. BAM 110 (July 2014), p. 4. An application or filing form, with the minimum information, must be registered by the Department unless the client is already active for that program. BAM 110, p. 7. The Department must register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110, p. 19.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (January 2015), p. 15.

For FIP only, upon immediate receipt of the FIP application, the specialist must run the FIP Eligibility Determination Group (EDG) in the Department's system to timely generate an automated Partnership. Accountability. Training. Hope. (PATH) referral, as well as the DHS-4785, PATH Appointment Notice, to the client. BAM 115, p. 15. While the specialist should run the FIP EDG immediately, this must be completed within five days of the application date. BAM 115, p. 15. The Department certifies FIP program approval or denial of the application within 45 days. BAM 115, p. 15. Note, the specialist must review the DHS-1171 for any potential deferral requests prior to running the FIP EDG. BAM 115, p. 15.

Moreover, if the group is ineligible or refuses to cooperate in the application process, the Department must certify the denial within the standard of promptness and also send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 23. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 24.

Based on the foregoing information and evidence, the Department failed to satisfy its burden of showing that it properly processed Petitioner's Cash Assistance application dated [REDACTED]. The evidence presented that the Department failed to send Petitioner a Notice of Case Action detailing the approval or denial of her Cash Assistance application. As such, the Department will process Petitioner's Cash Assistance application dated [REDACTED], in accordance with Department policy. See BAM 105, p. 17; BAM 110, pp. 4, 7, and 19; and BAM 115, pp. 15-24.

DECISION AND ORDER

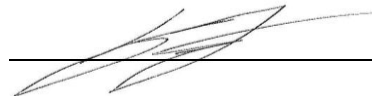
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that (i) the undersigned lacks the jurisdiction to address Petitioner's Notice of Case Action dated [REDACTED]; and (ii) the Department failed to satisfy its burden of showing that it properly processed Petitioner's Cash Assistance application dated [REDACTED], in accordance with Department policy.

Accordingly, the Department's Cash Assistance 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. Initiate registration and processing of Petitioner's Cash Assistance application dated [REDACTED];
- 2.
3. Begin issuing supplements to Petitioner for any Cash Assistance benefits she was eligible to receive but did not in accordance with Department policy; and
4. Begin notifying Petitioner of its decision.

IT IS ALSO ORDERED that Petitioner's **FAP** and **MA** hearing request (dated [REDACTED], [REDACTED] is **DISMISSED**.



Eric Feldman
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **11/6/2015**

Date Mailed: **11/6/2015**

EF / hw

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 copy of

the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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]