

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

IN THE MATTER OF:

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████████████████

Reg. No.: 15-008068
Issue No.: 1000;2000;3001
Case No.: ██████████
Hearing Date: June 22, 2015
County: Wayne-District 35

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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; and Mich Admin Code, R 792.11002. After due notice, a three way telephone hearing was held on June 22, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and his wife, ██████████. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator and ██████████, Lead Specialist with the Office of Child Support (OCS).

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) 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. On February 25, 2015, Claimant submitted an application for FAP benefits to the Greenfield Joy District so that his wife could be added to the FAP group, as she had moved back into his home in January 2015.
2. The February 25, 2015, FAP application/member adds application was not processed.
3. On or around May 5, 2015, Claimant submitted an application for FIP benefits and a second application for FAP benefits to the Redford District for his wife to be added to the FAP group.

4. On May 18, 2015, the Department processed Claimant's May 5, 2015, FAP application and sent Claimant a Notice of Case Action informing him that effective June 1, 2015, he was approved for FAP benefits in the amount of \$649 for a household size of four, which reflects the group member additions. (Exhibit C and Exhibit D)
5. There was no negative action taken with respect to Claimant's FIP benefits or Claimant's May 5, 2015, FAP application prior to the date of the request for hearing.
6. On an unverified date, Claimant submitted an application for MA benefits.
7. On May 14, 2015, Claimant submitted a hearing request disputing the Department's actions with respect to his FIP, MA, and FAP benefits.

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).

As a preliminary matter, although Claimant's hearing request and the Department's hearing summary reference an issue with the Office of Child Support and a possible child support sanction, the representative present on behalf of the OCS confirmed that there was no child support sanction for Claimant or his wife and that they both had been determined cooperative with OCS. The OCS representative stated that in April 2012, a child support sanction was imposed for Claimant's wife, however, it was removed and she was determined cooperative with child support requirements as of April 2012. (Exhibit B).

FIP/MA

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 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.

Claimant requested a hearing concerning an application for MA benefits that was submitted to the Department. Shortly after commencement of the hearing, Claimant's wife testified that she now understood the actions taken by the Department with respect to the MA case and stated that she did not wish to proceed with the hearing, as the Department had corrected the action for which the hearing was requested to dispute. Claimant's wife stated that the Department approved her MA coverage going back to the month of application and stated that she no longer needed a hearing concerning her MA case. The Request for Hearing was withdrawn.

Additionally, MAHS may grant a hearing about a 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 or delay of any action beyond the standards of promptness. BAM 600 (April 2015), pp.4-5. Moreover, BAM 600, p. 6 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action.

In the present case, the evidence established that on May 5, 2015, Claimant submitted an application for FIP benefits to the Department. The Department testified that the application was approved and that on June 19, 2015, a Notice of Case Action was sent to Claimant informing him that effective June 1, 2015, his group was eligible for FIP benefits. (Exhibit A). Claimant's wife confirmed that no other applications for FIP benefits were submitted to the Department.

Because Claimant did not establish that there was a negative action taken by the Department concerning his FIP benefits at the time that the hearing request was submitted, as the FIP application was processed and approved within the appropriate standards of promptness required by Department policy, there is no aggrieved party in this case and there remains no issue left to be resolved. As such, Claimant's hearing request with respect to FIP is DISMISSED for lack of jurisdiction. BAM 600, pp. 4-6.

Thus, the Request for Hearing concerning the MA and FIP is hereby, **DISMISSED**.

FAP

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.

February 25, 2015 FAP Application

Although it was unclear solely by looking at Claimant's hearing request that he was specifically disputing the Department's actions with respect to this particular application, Claimant's wife indicated at the hearing that an application was previously submitted and that she was not added on to her husband's case until June 2015. A review of the hearing request confirms that Claimant was disputing the Department's failure to act on reported changes, thus, the failure to process the February 25, 2015, application will be addressed.

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110 (July 2014), pp.3-8,18-22. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (July 2014), pp. 1,14-15. The Department is to certify program approval or denial of the application within the appropriate standard of promptness, unless an exception applies and upon certification of eligibility results, the Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 1, 13-19; BAM 220 (October 2014), p. 1. With respect to FAP member adds, a member add that increases benefits is effective the month after it is reported. BEM 550 (February 2014), p. 4; BEM 212 (July 2014), p. 9.

In this case, Claimant's wife testified that she and her husband reconciled in January 2015 and that she moved back into his home at that time. The evidence established that on February 25, 2015, Claimant submitted an application for FAP benefits to the Greenfield Joy District of the Department so that his wife and children could be added to his FAP case. The Department testified that the application was received by the Greenfield Joy office but was not processed and no eligibility notices were sent to Claimant. The representative present for the hearing from the Redford District did not have any information concerning why the application was not processed as it was submitted in a different district.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to process the February 25, 2015, FAP application.

May 5, 2015 FAP Application

At the hearing, it was established that Claimant submitted an application for FAP benefits on May 5, 2015, and that on May 18, 2015, the Department processed the FAP application and sent Claimant a Notice of Case Action informing him that effective June 1, 2015, he was approved for FAP benefits in the amount of \$649 for a household size

of four, which reflects the group member additions. (Exhibit C and Exhibit D). Claimant submitted a hearing request on May 14, 2015.

Because Claimant did not establish that there was a negative action taken by the Department concerning the May 5, 2015, FAP application at the time that the hearing request was submitted, as the application was processed and approved within the appropriate standards of promptness required by Department policy, there is no aggrieved party in this case and there remains no issue left to be resolved. As such, Claimant's hearing request with respect to May 5, 2015, FAP application is **DISMISSED** for lack of jurisdiction. BAM 600, pp. 4-6

DECISION AND ORDER

Accordingly, the hearing request with respect to MA, FIP and the May 5, 2015, FAP application is **DISMISSED** and the Department's decision is **REVERSED** with respect to the failure to process the February 25, 2015, FAP application.

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. Register and process Claimant's February 25, 2015, application for FAP benefits;
2. Issue FAP supplements to Claimant from February 25, 2015, ongoing, in accordance with Department policy; and
3. Notify Claimant in writing of its decision.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/02/2015**

Date Mailed: **7/02/2015**

ZB / 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 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:

Category	Should Take Action (%)	Should Not Take Action (%)
All respondents	85	15
Gender		
Male	83	17
Female	87	13
Age		
18-29	88	12
30-49	85	15
50-69	82	18
70+	80	20
Education		
High school or less	80	20
Some college	85	15
College graduate or more	88	12