

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

**IN THE MATTER OF:**

██████████  
██████████  
██████████

Reg. No.: 15-008187  
Issue No.: 1004, 2004  
Case No.: ██████████  
Hearing Date: June 25, 2015  
County: WAYNE-DISTRICT 31  
(GRANDMONT)

**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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 25, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████ ██████████, Hearing Facilitator and ██████████ ██████████, Eligibility Specialist.

**ISSUE**

Did the Department properly close the Claimant's Medical Assistance?

Did the Department properly deny the Claimant's FIP Cash Assistance application?

**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 filed an Application 1171 on March 10, 2015 requesting FIP Cash Assistance and Medical Assistance for herself and her child. Exhibit 1.
2. The Department denied the FIP application on April 1, 2015 for Claimant's alleged failure to participate with the PATH program. The Medical Assistance was closed due to alleged failure to complete the redetermination on April 1, 2015. Exhibit 2 and 3.

3. At the hearing the Department conceded error regarding the denial of the Claimant's application for FIP cash assistance benefits as the Claimant's caseworker failed to send the Claimant a letter to attend the PATH program.
4. The Department also conceded that it erred when it closed the Claimant's MA for failure to complete the Redetermination sent to her on February 10, 2015. Exhibit 3. The Department testified on the record that closure under these circumstances was in error as the Application 1171 could be used in lieu of the redetermination.
5. The Claimant requested a timely hearing on May 20, 2015 protesting the Department's actions.

### **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 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.

In this case, the Department credibly testified that it was at fault and did not follow policy regarding the processing of the Claimant's FIP application, as it never assigned the Claimant who was a Work Eligible Individual to attend PATH, yet denied the FIP application for failure to participate in the PATH program. Exhibit 2. Under these circumstances, it is clear that the Department incorrectly denied the application without any factual basis to do so. Given this error the Claimant's application must be re-registered and reprocessed and upon completion of the required PATH participation shall be eligible for FIP benefits retroactive to the application filing date of the March 10, 2015 improperly denied application.

Likewise, the Department conceded that the Claimant's Medical Assistance should not have closed due to failure to complete the redetermination indicating that the Claimant's application of March 10, 2015 could be used to complete review of eligibility for ongoing medical assistance. BAM 130 and BAM 115 July 1, 2015.

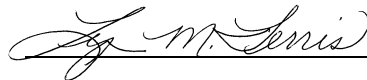
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department improperly denied the FIP cash assistance application for failure to attend PATH and did not act in accordance with Department policy when it did so. The Department also did not act in accordance with Department policy when it closed the Claimant's Medical Assistance for failure to complete the medical redetermination.

### **DECISION AND ORDER**

Accordingly, the Department's 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. The Department shall re-register the March 10, 2015 application for Medical Assistance and FIP cash assistance and shall process the FIP application in accordance with Department Policy regarding the PATH program. Upon successful completion of FIP PATH requirements for 21 days, the FIP benefits shall begin as of the date of the FIP application, March 10, 2015.
2. The Department shall reinstate the Claimant's Medical Assistance case as of the date of closure based upon the 1171 received and shall determine Claimant's eligibility.



**Lynn M. Ferris**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **6/26/2015**

Date Mailed: **6/26/2015**

LMF / cl

