

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

IN THE MATTER OF:

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

MAHS Reg. No.: 15-016332
Issue No.: 1001;2000;3000
Agency Case No.: ██████████
Hearing Date: October 29, 2015
County: Wayne-District 31

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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, a telephone hearing was held on October 29, 2015, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department was represented by ██████████, Family Independence Specialist.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP), Medical Assistance (MA), and Family Independence Program (FIP) 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. Petitioner was an ongoing recipient of FAP and MA benefits.
2. Petitioner understood and was satisfied with the Department's actions with respect to her FAP and MA benefits.
3. On July 27, 2015, Petitioner submitted an application for FIP benefits.
4. On August 12, 2015, the Department sent Petitioner a Notice of Case Action informing her that for the period of August 16, 2015, ongoing, she was denied FIP benefits on the basis that verification of employment was not returned. (Exhibit A)
5. On September 2, 2015, Petitioner requested a hearing disputing the Department's actions with respect to her FAP, MA, and FIP 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).

FAP/MA

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 hearing was requested to dispute the Department's action taken with respect to Petitioner's FAP and MA benefits. Shortly after commencement of the hearing, Petitioner testified that she now understood the actions taken by the Department and did not wish to proceed with the hearing, as she was satisfied with the Department's actions. Petitioner confirmed that there was no issue left to be resolved concerning her FAP and MA benefits. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing with respect to FAP and MA is, hereby, **DISMISSED**.

FIP

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.

In this case, on July 27, 2015, Petitioner applied for FIP benefits. On August 12, 2015, the Department denied Petitioner's FIP application and determined that for the period of August 16, 2015, ongoing, she was ineligible for FIP because she failed to return requested verifications. (Exhibit A). Petitioner requested a hearing disputing the denial.

At the hearing, the Department stated that Petitioner's FIP application was denied in error, as it was later discovered that Petitioner was not provided the appropriate papers during the interview process. The Department stated that Petitioner's FIP application was reinstated with the original date of July 27, 2015. The Department presented a Notice of Case Action dated October 19, 2015, which informs Petitioner that she was approved for FIP for the period of October 1, 2015, ongoing. (Exhibit B). Petitioner disputed her initial benefit eligibility date and asserted that she should receive FIP benefits based on her original application date of July 27, 2015, and not effective October 1, 2015.

Department policy indicates that with respect to initial FIP benefits, provided the group meets all eligibility requirements, the Department is to begin assistance in the pay period in which the application becomes 30 days old. If the application becomes 30 days old and the group has not met eligibility requirements, the Department will begin assistance for the first pay period when it does. BAM 115 (July 2015), p. 25.

Under the facts in this case, where the Department acknowledged that the July 27, 2015, FIP application was initially denied in error and the Department did not establish that Petitioner failed to meet all eligibility requirements within 30 days of the application date, the Department was required to begin assistance in the pay period in which the application became 30 days old. Therefore, 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 did not act in accordance with Department policy when it determined that Petitioner was eligible for FIP with an initial eligibility date of October 1, 2015.

DECISION AND ORDER

Accordingly, the hearing request with respect to FAP and MA is **DISMISSED** and the Department's FIP 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. Issue FIP supplements to Petitioner in accordance with Department policy and based on the July 27, 2015, application date; and
2. Notify Petitioner in writing of the Department's decision.



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

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

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

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:

Device Type	Percentage
Smartphone	95%
Tablet	75%
Smartwatch	15%
Smart TV	10%
Smart speaker	8%
Smart car	5%
Smart home security system	3%
Smart doorbell	2%
Smart lock	1%