

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

IN THE MATTER OF:



MAHS Reg. No.: 15-019720
Issue No.: 1004, 2000, 3004
Agency Case No.: [REDACTED]
Hearing Date: January 07, 2016
County: OAKLAND 3

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 January 7, 2016, from Lansing, Michigan. The Claimant was represented by herself and her spouse, [REDACTED]. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor [REDACTED]. During this hearing it was determined that all Medical Assistance (MA) issues have been resolved. That portion of this hearing request is dismissed.

ISSUE

Did the Department exceed the standard of promptness in processing Claimant's July 24, 2015 change report/application for her newborn daughter?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
2. On July 24, 2015, Claimant submitted a change report showing she had given birth to a daughter. In the change report Claimant requested Medical Assistance (MA), Food Assistance Program (FAP) and Family Independence Program (FIP) benefits for her daughter. The Department did not process the change report/application for Claimant's daughter.
3. On October 15, 2015, Claimant submitted a hearing request.

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.

Bridges Administration Manual (BAM) 115 Application Processing provides a 45 day standard of promptness when processing a Family Independence Program (FIP) application. Bridges Administration Manual (BAM) 220 Case Actions provides a 10 day standard of promptness for processing a reported Food Assistance Program (FAP) change.

Bridges Administration Manual (BAM) 600 Hearings provides that Michigan Administrative Hearing System (MAHS) may grant a hearing about delay of any action beyond standards of promptness. During this hearing the Department representative testified that the change report/application had been overlooked by the Department and they have already started processing them.

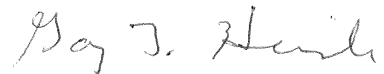
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it exceed the standard of promptness in processing Claimant's July 24, 2015 change report/application for her newborn daughter.

DECISION AND ORDER

The Department has not yet issued an eligibility decision regarding Claimant's July 24, 2015 change report/application for her newborn daughter so there is no decision to reverse. However, BAM 600 provides authority to issue the following ORDER.

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. Process Claimant's July 24, 2015 change report/application for her newborn daughter.
2. Issue Claimant a current Notice of Case Action (DHS-1605) for each of the Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility determinations.
3. Supplement Claimant any benefits she was otherwise eligible for but did not receive due to the delay in processing her July 24, 2015 change report/application for her newborn daughter.



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **1/14/2016**

GH/nr

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.

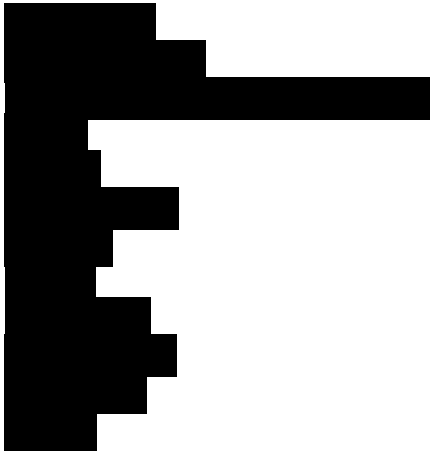
A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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:

A large black rectangular redaction box covers the names and email addresses of the recipients listed under the 'cc:' field.