



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 8, 2016
MAHS Docket No.: 16-000838
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 After due notice, telephone hearing was held on March 02, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included [REDACTED]. [REDACTED] (Family Independence Manager) represented the Department of Health and Human Services (Department). Witnesses on behalf of the Department included [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department of Health and Human Services (Department) properly determine the Petitioner's eligibility for the Food Assistance Program (FAP), and Medical Assistance (MA) benefits, and State Disability Assistance (SDA) 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. The Petitioner is an ongoing Food Assistance Program (FAP) and Medical Assistance (MA) recipient in Kent County.
2. On July 20, 2015, the Department received the Petitioner's application for State Disability Assistance (SDA) benefits.
3. On August 25, 2015, the Department referred the Petitioner's case to the Medical Review Team.

4. On October 20, 2015, the Department received an application for services from a member of the Petitioner's Food Assistance Program (FAP) group in Muskegon County.
5. On October 22, 2015, the Department notified the Petitioner that it would reduce her Food Assistance Program (FAP) group size and monthly allotment of FAP benefits.
6. On January 19, 2015, the Department received the Petitioner's request for a hearing.

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 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 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 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.

The Petitioner testified that case has been improperly handled by her caseworker and that she has not been treated well by Department employees. The Petitioner requested that she be assigned to caseload of another Department employee.

A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the department personnel director. Mich Admin Code, R 400.903.

This Administrative Law Judge lacks the authority to order the Department to assign another caseworker to the Petitioner.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. Department of Human Services Bridges Eligibility Manual (BEM) 212 (October 1, 2015), p 1.

The Petitioner was an ongoing FAP recipient in Kent County when on October 20, 2015, a member of her benefit group applied for benefits in Muskegon County. On October 22, 2015, the Department notified the Petitioner that her FAP benefits would be reduced as a result of the reduction of her FAP group size.

The Petitioner argued that she had a daughter that is homeless but maintains the Petitioner's home as her residence.

This Administrative Law Judge finds that the reduction of the Petitioner's FAP group was a proper application of policy after a member of the group requested assistance in another county. A FAP group is determined by where a person lives and not based on financial support. The Petitioner failed to present any evidence that her daughter lives with her in her home in Kent County.

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 acted in accordance with Department policy when it determined the Petitioner's eligibility for Food Assistance Program (FAP) benefits.

The Petitioner had requested a hearing protesting Medical Assistance (MA) benefits, but during the hearing she testified that this program has been resolved. Therefore, the Petitioner's hearing request is dismissed with respect to that program only.

On July 20, 2015, the Department received the Petitioner's application for SDA benefits.

The Department is required to certify program approval or denial of the application within 45 days with the following exceptions:

- 15 days for all pregnant Medicaid applicants.
- 30 days for Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) applicants.
- **60 days for SDA applicants.**
- 90 days for MA categories in which disability is an eligibility factor.
- The SOP can be extended 60 days from the date of deferral by the Medical Review Team.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- 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.
- **Delay of any action beyond standards of promptness.**
- For FAP only, the current level of benefits or denial of expedited service.
Department of Human Services Bridges Administrative Manual (BAM) 600
(October 1, 2015), pp 3-4.

The Department's representative testified that no determination of disability has been made and that there has been no final determination of SDA eligibility. No evidence was presented that a determination of disability has been deferred.

This Administrative Law Judge finds that the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed the Petitioner's application for State Disability Assistance (SDA) benefits.

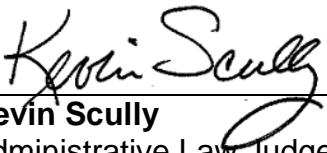
DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** with respect to the Food Assistance Program (FAP). The Petitioner's hearing request is **DISMISSED** with respect to her Medical Assistance (MA) benefits. The Department is **REVERSED** with respect to its handling of her State Disability Assistance (SDA) 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:

Initiate a determination of the Petitioner's eligibility for State Disability Assistance (SDA) benefits based on her August 25, 2015, application for benefits.

KS/las



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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]

DHHS

[REDACTED]

Petitioner

[REDACTED]