



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 11, 2016
MAHS Docket No.: 16-007777
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 July 06, 2016, from Lansing, Michigan. The Petitioner represented himself. The Department was represented by [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department of Health and Human Services (Department) properly deny the Petitioner's application for State Disability Assistance (SDA) 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 April 4, 2016, the Department received the Petitioner's application for State Disability Assistance (SDA) and Food Assistance Program (FAP) benefits.
2. The Department approved the Petitioner for expedited Food Assistance Program (FAP) benefits.
3. On April 4, 2016, the Petitioner was living in a substance abuse treatment center (SATC) where meals are supplied to its residents.
4. On April 15, 2016, the Department notified the Petitioner that he was not eligible for State Disability Assistance (SDA) benefits.

5. On April 21, 2016, the Department notified the Petitioner that he was not eligible for Food Assistance Program (FAP) benefits as of May 1, 2016.
6. On June 6, 2016, the Department received the Petitioner's request for a hearing protesting the denial of State Disability Assistance (SDA) and Food Assistance Program (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).

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.

A person is a resident of an institution when the institution provides the majority of his meals as part of its normal services. Residents of institutions are not eligible for FAP unless one of the following is true:

- The facility is authorized by the Food and Consumer Service to accept FAP benefits.
- The facility is an eligible group living facility; see BEM 615.
- The facility is a medical hospital and there is a plan for the person's return home.

Department of Health and Human Services Bridges Eligibility Manual (BEM) 212 (October 1, 2015), p 8.

Substance abuse treatment centers are licensed by the Substance Abuse Licensing Section (SALS) within DCH to provide treatment for drug and/or alcohol addiction. Department of Health and Human Services Bridges Eligibility Manual (BEM) 615 (July 1, 2014), p 3.

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.

Persons admitted to a qualified SLA facility meet the SDA disability criteria. Qualified SLA facilities include substance abuse treatment centers (SATC). Department of Health and Human Services Bridges Eligibility Manual (BEM) 261 (July 1, 2015), p 3.

On April 4, 2016, the Department received the Petitioner's application for SDA and FAP. The Department approved the Petitioner for expedited FAP benefits but then denied his application because he was living in an institution where meals were provided for him. The Department then denied his SDA application.

The Petitioner claims that he was residing in a substance abuse treatment center at the time he submitted his application for benefits, which the Department does not dispute. No evidence as to whether this substance abuse treatment center is licensed to provide treatment for drug and/or alcohol addiction, or is authorized to accept FAP benefits.

This Administrative Law Judge finds that the Petitioner is potentially eligible for SDA and FAP benefits.

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 denied the Petitioner's application for State Disability Assistance (SDA) and Food Assistance Program (FAP) benefits.

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:

Reprocess the Petitioner's April 4, 2016, application for **State Disability Assistance (SDA) and Food Assistance Program (FAP)** benefits in accordance with policy.

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

DHHS

[REDACTED]

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Petitioner

[REDACTED]