



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Date Mailed: April 19, 2016
MAHS Docket No.: 16-002803
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 April 13, 2016, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Backup Hearing Facilitator. [REDACTED], a Department intern, was present at the hearing but did not participate.

ISSUE

Did the Department properly process Petitioner's January 7, 2016 application for Food Assistance Program (FAP) benefits, Child Development and Care (CDC) benefits, and Medicaid (MA)?

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 and her minor child are active recipients of MA benefits.
2. As of November 17, 2015, Petitioner and her child were living with the child's father, NW.
3. NW was a recipient of FAP benefits.

4. On November 17, 2015, NW completed a FAP redetermination identifying Petitioner and the child as household members (Exhibit B).
5. Petitioner and the child were not added to NW's FAP case.
6. On January 7, 2016, Petitioner filed an application for FAP, MA, CDC, and cash assistance on behalf of herself, her child, and NW (Exhibit A).
7. On March 3, 2016, Petitioner filed a request for hearing, disputing the Department's failure to process her application for FAP, MA and CDC 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.

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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Petitioner alleged that the Department had failed to process her January 7, 2016 application for FAP, MA, and CDC benefits. At the hearing, she clarified that, because she and the child had MA, the only outstanding MA issue was NP's MA.

The Department must certify program approval or denial of an MA or CDC application within 45 days of the date the application is submitted. BAM 115 (January 2016), p. 15. FAP benefits must be available, meaning the client has a Bridge card and access to benefits, by the 30th day from the date of a FAP application, with benefits prorated for the month of application, beginning with the date of application, when the group is eligible for the application month. BAM 115, pp. 16, 26.

At the hearing, the Department acknowledged that it had received Petitioner's application and failed to process it. Because the application was not processed in accordance with the standard of promptness, the Department did not act in accordance with Department policy.

In its hearing summary, the Department explained that NP had identified Petitioner and the child as household members in his FAP redetermination submitted to the Department on November 17, 2015 but the redetermination was never processed. While the Department indicated that it intended to process the redetermination to add Petitioner and the child to NP's FAP case, the Department did not present any evidence to establish that it had done so. Because NP did not request a hearing, the issue of the Department's failure to process NP's redetermination is not properly presented for hearing. Petitioner is advised, however, that NP may request a hearing on that matter to prompt the Department to process the redetermination, which may result in Petitioner being added to NP's FAP case and receiving FAP benefits for periods prior to her January 7, 2016 FAP application.

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 failed to process Petitioner's January 7, 2016 FAP, MA and CDC application.

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. Process Petitioner's January 7, 2016 application for FAP, CDC and MA;
2. Issue supplements to Petitioner (or her providers, as applicable) for FAP, CDC, and MA benefits she and/or her group members were eligible to receive but did not based on the date of application;
3. Notify Petitioner in writing of its decision.



ACE/tlf

Alice C. Elkin
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

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[REDACTED]

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