



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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Date Mailed: April 11, 2019
MAHS Docket No.: 19-002146
Agency No.: ██████████
Petitioner: ██████████

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 April 3, 2019, from Lansing, Michigan. The hearing was consolidated with a hearing filed under MAHS Docket No. 19-002011 without objection and held concurrently with that request for a hearing dealing with the same subject matter. Petitioner represented herself, and her mother ██████████ testified on her behalf. The Department was represented by Nikeva Mays and Crystal Hackney.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for cash assistance, Food Assistance Program (FAP), and Medical Assistance (MA) 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 ██████████ 2018, the Department received Petitioner's application for assistance. Petitioner reported to the Department that she was born on ██████████, 1999, and is living with her mother. Exhibit A, pp 4-19.
2. On August 9, 2018, the Department notified Petitioner that she was not eligible for cash assistance as of August 16, 2018, and not eligible for Food Assistance Program (FAP) benefits as of August 1, 2018. Exhibit A, pp 27-34.
3. On December 4, 2018, the Michigan Administrative Hearing System (MAHS) issued a Hearing Decision upholding the denial of an application for State

Disability Assistance (SDA) benefits in August of 2018 by Alexis Conner, and a request for rehearing and/or reconsideration was denied on February 5, 2019. See MAHS Docket No. 18-009716.

4. On January 16, 2019, the Department's Disability Determination Service declined to make a determination of disability because there was no evidence that Petitioner had a pending application for disability with the Social Security Administration. Exhibit A, pp 20-24.
5. On September 24, 2018, the Department received verification that Petitioner has an appointed representative before the Social Security Administration as of August 8, 2018. Exhibit A, p 25.
6. On February 25, 2019, the Department notified Petitioner that she was not eligible for cash assistance effective April 1, 2019. Exhibit A, pp 35-38.
7. On February 25, 2019, the Department notified Petitioner that she was approved for Medical Assistance (MA) under the Healthy Michigan Plan (HMP).
8. On March 1, 2019, the Department received verification that Petitioner filed an appeal with the Social Security Administration on March 22, 2018, based on claims filed in July of 2017. Exhibit A, p 26.
9. On March 1, 2019, the Department received Petitioner's request for a hearing. Exhibit A, p 3.

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 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.

A Family Independence Program (FIP) benefit group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. Department of Human Services Bridges Eligibility Manual (BEM) 210 (April 1, 2017), p 1.

Petitioner is not eligible for FIP benefits because she is not the parent of a dependent child as required by BEM 210.

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 105 (April 1, 2017), p 2.

On February 25, 2019, the Department notified Petitioner that she is eligible for MA benefits under the Healthy Michigan Plan (HMP), a full coverage category of Medicaid. Petitioner has not established that the Department has not placed her in the most beneficial category of MA benefits that she is eligible for. Therefore, Petitioner has failed to establish an entitlement to a hearing protesting her eligibility for MA benefits under the Health Michigan Plan (HMP).

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. Parents and their children under 22 years of age who live together must be in the same group. Department of Human Services Bridges Eligibility Manual (BEM) 212 (January 1, 2017), p 1.

Petitioner applied for FAP benefits and reported to the Department that she was born on [REDACTED], 1999, and that she lives in the same household as her mother. Petitioner's mother also applied for FAP benefits, and Petitioner is not eligible for FAP benefits on a separate case. Therefore, the Department denied Petitioner's FAP application.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. Department of Health and Human Services Bridges Eligibility Manual (BEM) 261 (April 1, 2017), p 1. At program application or request for disability deferral, clients must apply for or appeal benefits through the Social Security Administration if claiming to be

disabled. Department of Health and Human Services Bridges Administrative Manual (BAM) 815 (April 1, 2018), pp 1-2. As a condition of eligibility for SDA, a person must apply for Supplemental Security Income (SSI) as a potential resource. Department of Health and Human Services Bridges Eligibility Manual (BEM) 270 (January 1, 2018), p 1.

On [REDACTED] 2018, the Department received Petitioner's application for assistance. Petitioner requested cash assistance based on disability. On January 16, 2019, the Disability Determination Service declined to make a determination of disability because there was no evidence that Petitioner had a pending application for disability with the Social Security Administration. On February 25, 2019, the Department notified Petitioner that she was not eligible for cash assistance, FIP and/or SDA.

On September 24, 2018, the Department received verification that Petitioner has an appointed representative before the Social Security Administration. It is not clear from this form that Petitioner has a pending application for disability benefit with the Social Security Administration, but only that she had a representative as of August 8, 2018. On December 4, 2018, the denial of SDA was upheld by MAHS.

On February 25, 2019, the Department notified Petitioner that her application for cash assistance had been denied. On March 1, 2019, the Department received verification of a pending appeal with the Social Security Administration, which was after the denial of cash assistance.

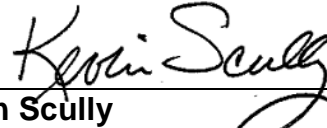
A determination of non-disability by the Social Security Administration is binding upon the DDS. BAM 815. Petitioner has failed to establish that she had provided verification of a pending application for disability, or appeal of a denial of benefits with the Social Security Administration at the time her application for cash assistance with the Department was denied. Petitioner has failed to verify that she fulfilled the duty to apply for any state and/or federal benefits for which she may be eligible, a requirement to become eligible for SDA 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 acted in accordance with Department policy when it determined Petitioner's eligibility for Family Independence Program (FIP), Medical Assistance (MA), Food Assistance Program (FAP), and State Disability Assistance (SDA) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Robert Gordon, 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) 763-0155; 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

