

## Issue Alert

14-01-03

<b>Program Area:</b>	Medicaid (MA) and Food Assistance Program (FAP)	
<b>Issue Summary:</b>	The definition of “agriculture/related employment” for “migrant/seasonal farmworkers” has been expanded to assist in classification for special rules for eligibility and benefit levels	
<b>Persons Affected:</b>	All MA and FAP applicants and recipients who are “migrant/seasonal farmworkers”	
<b>Date:</b>	January 15, 2014	
<b>For More Information:</b>	Center for Civil Justice 326 S. Saginaw St Flint, MI 48502 (810) 244-8044, (800) 724-7441 Fax: (810) 244-5550 Email: <a href="mailto:info@ccj-mi.org">info@ccj-mi.org</a>	Michigan Poverty Law Program 611 Church Street, Suite 4A Ann Arbor, MI 48104-3000 (734) 998-6100, Fax: (734) 998-9125

### BACKGROUND

“Migrant/seasonal farmworkers” as defined in DHS policy receive exceptions to certain eligibility requirements of the Medicaid program (MA) and Food Assistance Program (FAP). A “migrant/seasonal farmworker” must have qualifying “agriculture/related employment.”

### WHAT'S HAPPENING?

Effective January 1, 2014, DHS has expanded the definition of “agriculture/related employment” within the “migrant/seasonal farmworkers” Bridges Eligibility Manual (BEM) item 610. This means that more applicants and recipients will qualify for the “seasonal farmworker” classification, which may help them qualify for MA and FAP, receive benefits more quickly, or increase their benefits.

For example, applicants or recipients classified as migrant/seasonal farmworkers affected by this policy:

- May qualify for expedited Food Assistance if their income has stopped or is just starting, even if they will receive more than \$150 in gross income in the month (see BEM 610 p. 5-6);
- May receive a special income exclusion for income that is starting the first month following a FAP redetermination; and

- May qualify for supplemental benefits for the month in which a decrease in income of \$50 or more is reported, if the decrease is verified within 10 days.

“Agriculture/ Related Employment” is now any of the following (the last four bullet items are new):

- On a farm, ranch, orchard or vineyard, performing field work related to planting, cultivating or harvesting operations; and tree or plant maintenance such as pruning or thinning.
- In canning, sorting, packing, ginning, seed conditioning, processing operations or related research.
- Nursery and greenhouse activities, excluding landscaping.
- Reforestation.
- Preparation and harvest of Christmas trees and other evergreen products.
- Dairy, livestock (including swine and sheep), poultry and beekeeping.

This updated policy is announced in Bridges Policy Bulletin (BPB) 2014-002, effective January 1, 2014. The Bulletin is available at: <http://www.mfia.state.mi.us/olmweb/ex/BP/Public/BPB/2014-002.pdf>, and the policy itself is available at is BEM 610 p. 4:

<http://www.mfia.state.mi.us/OLMWeb/ex/BP/Public/BEM/610.pdf>; and also on p. 2 at:

<http://www.mfia.state.mi.us/OLMWeb/ex/BP/Public/BPG/GLOSSARY.pdf#pagemode=bookmarks> (the Bridges Policy Glossary).

DHS states the revision is to assist in classification for the special rules for eligibility and benefit levels of migrant/seasonal farmworkers.

### **WHAT SHOULD ADVOCATES DO?**

1. Remind those clients who may qualify as seasonal farmworkers and appropriate advocates about this policy and inform them about this update.
2. Contact the Food Assistance Helpline at 800-481-4989 for questions about the Food Assistance Program.
3. Help clients request an administrative hearing and find legal advice if they need it.
4. If applicable, remember that DHS applicants and recipients for whom English is not a first language have additional rights to assistance and to file a complaint if they have been mistreated or discriminated against. See BAM 105 and Issue Alert 13-01-01.

### **WHAT SHOULD CLIENTS DO?**

1. Confirm with an advocate or DHS whether you are a seasonal farmworker with qualifying “agriculture or related employment.”

2. Ask DHS for help when needed if English is not your first language.
3. Request an administrative hearing and seek legal advice if you think DHS has made a mistake about your case, or you have been mistreated or discriminated against because English is not your first language.
4. Food Assistance advocates are available to answer questions toll-free at 1-800-481-4989.

## **FINDING HELP**

Legal aid and legal services offices may handle these types of cases without a fee. You can locate the offices that serve your county on the Michigan Legal Help Web Site, <http://www.michiganlegalhelp.org/>, or by looking in the yellow pages under “attorneys,” or calling the toll-free lawyer referral number, 800-968-0738.