### STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

## ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Claimant

Reg No:2008-23391Issue No:2000Case No:2000Load No:4000Hearing Date:4000April 29, 20094000Wayne County4000

Erin Nieman, FIM and Rhonda Hart,

# ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

## HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9

and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing

was conducted from Detroit, Michigan on April 29, 2009. The Claimant was not present. He

was represented by

FIS appeared on behalf of the Department.

#### **ISSUE**

Whether the Department properly denied Claimant 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:

- Claimant applied for Medical Assistance ("MA") benefits on 10/19/07. Retroactive benefits were requested to July 2007.
- 2. The Department closed Claimant's MA case on 1/11/09.

- 3. At the hearing, the Department agreed to reopen and reprocess Claimant's MA case from 10/19/07 upon Claimant providing previously requested medical records.
- 4. As a result of this agreement, Claimant's representative indicated that Claimant no longer wished to proceed with a hearing.

#### CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair

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hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the department has agreed to reopen Claimant's MA case after Claimant provides previously requested medical records. Claimant's representative agreed to provide the medical records within ten (10) days. As a result of this agreement, Claimant's representative indicated that claimant no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED that the Claimant shall provide the Department with previously requested medical records within ten (10) days of the hearing.

It is further ORDERED that the Department shall reopen and reprocess Claimant's 10/19/07 MA application after receipt of Claimant's previously requested medical records and supplement the Claimant for any lost benefits he was otherwise entitled to receive.

/s/\_

Jeanne M. VanderHeide Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: 05/06/09

Date Mailed: \_\_05/06/09\_\_\_\_\_

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JV/dj