

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-32389
Issue No: 2014/3015/1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 22, 2009
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on January 22, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's Family Independence Agency (FIP), Food Assistance Program (FAP) and Medical Assistance (MA) program?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) Claimant was an FIP, FAP and MA benefit recipient. Claimant was receiving SSI benefits. At case review, the claimant told the caseworker that she would be receiving RSDI and SSI benefits in October 2008 on a DHS-1171.

(2) The caseworker attempted to verify the information by contacting the Social Security Administration.

(3) The Social Security Administration gave the caseworker conflicting information stating that claimant will get SSI.

(4) The caseworker removed claimant from the FIP grant, opened an SSI-related MA program for her and adjusted the Food Assistance Program budget for the months of September and October 2008.

(5) Claimant testified on the record she did not receive benefits in September 2008.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. 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 (DHS or department) 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).

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 (DHS or department) 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).

In the instant case, the department caseworker deleted claimant from the FIP, Medical Assistance and FAP case based upon her receipt of RSDI income before she determined whether or not claimant will be receiving RSDI and SSI income. There is a DHS-3503 Verification Checklist in the file dated September 9, 2008 with information due September 19, 2008; however the caseworker removed claimant from the FIP case and the Medical Assistance case on August 11, 2008 based upon the conflicting information that she received from Social Security Administration. Therefore, this Administrative Law Judge finds that the department failed to act in accordance with department policy and the case should be reversed based upon the fact that the department did not have all of the information which caused claimant not to receive benefits for the month of September 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not establish by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it cancelled claimant's Family Independence Agency benefits, reduced her Food Assistance Program and cancelled and Medical Assistance benefits based upon the fact that she was receiving SSI benefits from the Social Security Administration.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's case and to pay to claimant any benefits to which she is entitled for the

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month of September 2008 based upon the fact that the department did not receive any additional information until at least September 2008.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 2, 2009

Date Mailed: February 3, 2009

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 receipt 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.

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