

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: 2008-31384
Issue No: 2000, 3000, 6000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 12, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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, a hearing was held on March 12, 2009. Claimant appeared and testified. Claimant was represented by Attorney [REDACTED]

ISSUE

Did the Department of Human Services (DHS or department) properly process claimant's application for Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) program benefits?

FINDINGS OF FACT

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

- (1) On June 4, 2008, claimant applied for MA, FAP, and CDC benefits.

(2) On August 13, 2008, claimant filed a hearing request to protest the department's failure to provide requested benefits.

(3) At the hearing, the parties reached an accord. The department agreed to open MA for claimant based upon her pregnancy. Further, the department agreed to initiate reconsideration of claimant's June 4, 2008 application for FAP and CDC benefits.

(4) Claimant, and her Attorney-husband indicated satisfaction with the department's plan of action.

CONCLUSIONS OF LAW

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).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278 (2). In this case, the parties reached an accord. The department agreed to open MA for claimant based upon her pregnancy. Further, the department agreed to initiate reconsideration of claimant's June 4, 2008 application for FAP and CDC benefits. The department agreed to notify claimant in writing as to its determination. The department will supplement any lost benefits as appropriate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall open Medical Assistance for claimant based upon her pregnancy. Further, the department shall initiate reconsideration of claimant's June 4, 2008 application for Food Assistance program and Child Development and Care benefits. The department shall notify claimant in writing as to its determination. The department will supplement any lost benefits as appropriate.

/s/ _____
Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/25/09

Date Mailed: 5/29/09

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 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.

LSS/at

cc:

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