

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: 2009-13217
Issue No: 3000, 2000
Case No:
Load No:
Hearing Date:
June 8, 2009
Wayne County DHS

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 June 8, 2009. The Claimant was present and testified. Lillian Dolkey, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's Medical Assistance "MA" spend-down? Whether the Department properly calculated Claimant's Food Assistance Program "FAP" 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. The Claimant and his wife are currently active for FAP and MA deductible benefits with a current deductible amount of \$860.00/month.

2. Claimant testified that he turned in bills relating to his wife's deductible for August of 2008 which were not processed.
3. Claimant further testified that all applicable deductions for FAP benefits were not applied to his current FAP budget.
4. At the hearing, the Department agreed to accept bills from Claimant and his wife relating to a MA deductible for August of 2008 forward and to recalculate benefits as necessary.
5. At the hearing, the Department further agreed to recalculate Claimant's FAP budget.
6. As a result of this agreement, Claimant indicated that he 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).

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

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 accept bills from Claimant and his wife relating to a MA deductible for August of 2008 forward and to recalculate benefits as necessary. The Department has further agreed to recalculate Claimant's FAP budget giving consideration to shelter costs and medical costs above and beyond the standard deduction. As a result of this agreement, Claimant indicated he 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.

Therefore, it is ORDERED that the Department accept medical bills from Claimant and his wife and recalculate the MA spend down from August 2008 forward supplementing Claimant and his wife for any MA benefits they should have received from August 2008 forward.

It is further ordered that the Department, taking into consideration Claimant's shelter and ongoing monthly medical obligations, recalculate FAP benefits and apply any changes from the recalculation to future FAP benefit payments.

/s/

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

Date Signed: 06/15/09

Date Mailed: 06/16/09

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

cc:

