

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: 2009-20497
Issue No: 2018-3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 8, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 telephone hearing was held on July 8, 2009. Claimant appeared and testified.

ISSUE

Did the Department properly reduce Food Assistance Program (FAP) and close Medicaid (MA) benefits?

FINDINGS OF FACT

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

1. On April 7, 2009 the Department completed an annual review for both the FAP and MA benefits for the Claimant. The Department determined the Claimant no longer had any children in her home. In fact the Claimant told the Department that her estranged husband had custody of the children. The Department determined the Claimant

was no longer eligible for MA since no children were in her home and determined her FAP benefits based up a group size of one and reduce the FAP benefits accordingly.

2. On April 16, 2009 the Claimant requested a hearing.

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 (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).

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).

In the present case Claimant disputes the reduction of FAP benefits and closure of MA. The Claimant admits she no longer had custody of her children. The Claimant however wanted to continue her MA coverage. The Department had determined she was also ineligible for the Adult Medical Program due to her income at the time of review.

However the Claimant is no longer employed and would now be eligible but the AMP program enrollment has since closed.

The Department properly determined the Claimant was ineligible for MA based upon her age and no longer having children in her home. The Department further correctly determined the FAP amount based upon the correct group size of one and the reported income and expenses reported at the time of the review.

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 was acting in compliance with Department policy.

Accordingly, the Department's decision is UPHELD.

/s/ _____
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/4/09 _____

Date Mailed: 8/5/09 _____

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 60 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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