

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: 2009-2695
Issue No: 2018; 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 4, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, February 4, 2009. The claimant personally appeared and testified on her own behalf.

ISSUE

Did the department properly determine the claimant's eligibility for Medical Assistance (MA) and Food Assistance Program (FAP)?

FINDINGS OF FACT

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

- (1) The claimant was a recipient of MA and FAP benefits.

(2) On July 11, 2008, the claimant's case was pulled for a TAT read. The TAT reader determined that the claimant had earned income that was reported, but never budgeted in the claimant's eligibility for FAP and MA program benefits.

(3) On July 11, 2008, a new FAP budget was calculated based on the claimant's earned income from May 19, 2008 when the claimant originally requested FAP benefits. The claimant's total earned income was [REDACTED] with no shelter expenses resulting in a FAP monthly benefit of [REDACTED] per month. (Department Exhibit 4-5)

(4) In addition, a MA budget was calculated for the claimant based on an earned income of [REDACTED] to determine that the claimant had excess income from MA that would result in a spend-down of [REDACTED]. (Department Exhibit C-D)

(5) Subsequently, the claimant informed her department caseworker that she was no longer employed since July 2008.

(6) On October 16, 2008 the claimant requested a hearing, contesting the department's negative action stating that she had been calling for over five months without a phone call where she only receives [REDACTED] a month in Food Stamps. In addition, she had provided a Shelter Verification and the papers stating that she did not have a job, but the department caseworker has not contacted her back.

(7) On October 23, 2008, the department caseworker sent the claimant a Verification Checklist, DHS-3503, for the claimant to provide verification of employment income that was due November 3, 2008. (Department Exhibit 14)

(8) The claimant failed to provide the required verification by the due date of November 3, 2008 according to the department caseworker.

(9) During the hearing, the claimant expressed her frustration with her department caseworker not calling her back in a timely manner. She stated that she has provided information that she is not employed and her Shelter Verification, but a new budget has not been run for her.

(10) During the hearing, the claimant's Shelter Verification form states that she pays █████ a month and that it does not include the payment of utilities was submitted with the verification due date of May 29, 2008. (Department Exhibit 13)

(11) The parties have reached an agreed upon settlement to resolve the dispute. The department agreed to recalculate the claimant's FAP benefits from May to October 31, 2008 based on her Shelter Verification and her employment that stopped in July 2008 once she provides the verification. In addition, the department determined the claimant's eligibility for MA from October 2008 forward.

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 (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 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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agreed to recalculate the claimant's FAP benefits from May to October 31, 2008 based on her shelter verification and her employment that stopped in July 2008 once she provides the verification. In addition, the department determined the claimant's eligibility for MA from October 2008 forward.

If the claimant does not agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement. The department is ordered to determine claimant's eligibility for FAP benefits retroactive to May 2008 to October 31, 2008 and MA beginning October 2008, if it has not already done so.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 20, 2009

Date Mailed: March 23, 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 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.

CGF/vmc

cc:

