

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: 2009-29310  
Issue No: 2000, 3000  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 13, 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 timely request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on August 13, 2009. The Claimant was present and testified along with her husband, [REDACTED]. Rhonda Jefferies, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly processed Claimant's FAP and MA cases to include Claimant's husband as part of the group?

FINDINGS OF FACT

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

1. Claimant applied for FAP and MA on 5/7/09.
2. The Department processed Claimant's FAP budget without including her husband and failed to process a Medicaid application for the husband. .

3. At the hearing, the Department agreed to reprocess Claimant's FAP including the husband in the group and reprocess Medicaid for the husband since the date of application, 5/7/09.
4. As a result of this agreement, Claimant indicated that she 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).

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, formally 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").

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 reprocess and recalculate Claimant's FAP benefits as of 5/7/09 including Claimant's husband in the FAP group. The Department has further agreed to open and process a Medicaid application as of 5/7/09 for Claimant's husband. As a result of this agreement, Claimant indicated she 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:

1. The Department shall reprocess and recalculate Claimant's FAP benefits from the date of application, 5/7/09, including Claimant's husband in the FAP group.
2. The Department shall open and process a Medicaid case for Claimant's husband from the date of application, 5/7/09.
3. The Department shall supplement the Claimant with any lost benefits she or other group members were otherwise entitled to receive.

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

Date Signed: 09/09/09

Date Mailed: 09/11/09

**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:

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