

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. 2009-31974
Issue No: 2000, 3000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
September 8, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9; MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on September 8, 2009. Claimant appeared and testified. Claimant's husband, [REDACTED], also appeared and testified. Karen Christian, FIM, and Karen Kinder, ES, appeared on behalf of the department.

ISSUE

Did the Department properly determine ongoing eligibility for Medical Assistance (MA) and Food Assistance (FAP), 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. Claimant was an ongoing recipient of MA benefits.
2. Claimant returned a re-determination packet on July 2, 2009 including a DHS 1171 application indicating a request for FAP benefits.

3. Claimant was found to have excess income for Medicaid and a referral was made to MICHild.
4. The Department denied the food stamp application due to excess income.
5. On July 27, 2009, claimant filed hearing requests to contest the MA and FAP determinations.
6. As of the date of the hearing, the department updated the MA benefits such that Claimant and her child's MA benefits are currently open without a spend-down.
7. The parties agree there are no remaining issues regarding the MA benefits.
8. At the hearing, the Department agreed to re-determine eligibility for the FAP benefits upon receipt of a new application and verifications including shelter, utilities, and pay stubs.
9. As a result of this agreement, claimant indicated that she no longer wished to proceed with the 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 (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, 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"), formally known as the Family Independence Agency, administers the

FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental 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.

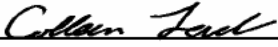
In the present case, claimant is contesting the processing of her MA re-determination and FAP application. At the hearing, the department and claimant agreed that the MA case remains open and there are no remaining issues regarding this benefit program. The department agreed to re-determine eligibility for FAP benefits upon receipt of a new FAP application and verifications including shelter, utilities and pay stubs. 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 above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant’s request for a hearing.

Therefore it is ORDERED that the department re-determine eligibility for FAP benefits upon receipt of a new FAP application and verifications including shelter, utilities, and pay stubs

and award benefits to claimant, if appropriate, in accordance with this settlement agreement.



Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/29/09

Date Mailed: 09/29/09

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 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.

CL/dj

cc:

