

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.: 2009-36416
Issue No.: 6021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 28, 2009
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 28, 2009 claimant was present and testified, [REDACTED] FIM appeared for the department and testified.

ISSUE

Has the department properly processed claimant's child day care benefit and was the closure of MA benefits proper?

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 a FAP, MA and child day care recipient.
- (2) Claimant testified that her MA and child day care benefits were closed in April 2009 due to a failure to verify income pursuant to a review.
- (3) Claimant testified that she submitted check stubs in March 2009.

- (4) The department had no records regarding the April closure.
- (5) Claimant requested a hearing on September 1, 2009 contesting the failure to process child day care and closure of FAP and MA benefits.
- (6) Claimant testified at hearing that she was satisfied with the Department's action with regard to FAP benefits and abandoned her appeal with regard to those benefits.
- (7) The Department agreed to reinstate and reprocess claimant's child day care benefit back to April 2009.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained 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").

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).

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 parties reached an agreement whereby the department agreed to reinstate and reprocess claimant's CDC benefit going back to April 2009. 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. With regard to MA benefits the Department had no information regarding why MA benefits closed and provided no proof of notice of the closure being sent to the claimant. Claimant testified that she submitted check stubs in March 2009 in response to request for employment verification. Therefore was improper for the Department to close claimant's MA benefits.

DECISION AND ORDER

The Department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the Department reinstate and reprocess claimant's

CDC benefits in accordance with this settlement agreement. It is further ORDERED that the Department reinstate claimant's MA benefits back to the April 2009 closure.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/10/09

Date Mailed: 11/10/09

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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