

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: 2009-36568

Issue No: 1021, 2018,
3019

Case No:

Load No:

Hearing Date:

February 23, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from [REDACTED] on February 23, 2010.

ISSUE

Whether the Department properly determined Claimant's eligibility for FAP, FIP and MA benefits?

FINDINGS OF FACT

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

(1) The Department did not send Claimant a DHS 1010 review packet. As a result, Claimant did not know she had a review scheduled until her case closed.

(2) Claimant filled out a new application and the Department attempted to reinstate Claimant's benefits in full.

(3) Claimant has still not received FIP or MA benefits for August 2009 and she only received a week of FAP benefits in August 2009 instead of the entire month.

CONCLUSIONS OF LAW

In the instant case, the Department's position was that it would supplement Claimant for the FAP, FIP and MA benefits owed to her for August 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in determining Claimant's eligibility for FAP, FIP and MA benefits.

Accordingly, the Department's FAP, FIP and MA eligibility determinations are REVERSED, it is SO ORDERED. The Department shall:

- (1) Issue Claimant supplemental FAP, FIP and MA benefits she is entitled to for August 2009.
- (2) Notify Claimant in writing of the Department's revised determination(s).
- (3) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination(s).

/s/
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 24, 2010

Date Mailed: February 24, 2010

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 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.

SMB/db

cc:

