

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: 2009-5130
Issue No: 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 27, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 January 27, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's Medical Assistance (MA-P) and Food Assistance Program (FAP) benefits based upon this determination that claimant failed to provide verification information in a timely manner?

FINDINGS OF FACT

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

(1) A TAT investigation was conducted on [REDACTED] and based upon its information contained in the TAT review, the specialist sent claimant a Verification Checklist, DHS-3503 on December 21, 2007 with a due date of January 6, 2008.

(2) The specialist sent claimant a notice on January 4, 2008 stating that she had not received verifications and placed claimant's MA-P and FAP case in negative action.

(3) On January 19, 2008, the specialist closed claimant's case stating that she did not receive the requested verifications.

(4) The department caseworker, on the record conceded that claimant provided the verification information in a timely manner.

(5) The original caseworker did not testify at the hearing.

(6) The claimant did not receive Medical Assistance benefits from February through September 2008 and did not receive Food Assistance Program benefits from February to June 2008.

(7) On March 19, 2008, claimant filed a request for a hearing to contest the department's negative action.

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 (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).

In the instant case, the department conceded on the record that claimant provided the verification information in a timely matter. Therefore, the department's case must be reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has conceded on the record that it did not appropriately act in compliance with department policy when it cancelled claimant's Medical Assistance and Food Assistance Program benefits.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's Medical Assistance and Food Assistance Program benefit application to the January 19, 2008 closure date. The department shall re-evaluate claimant's eligibility for both programs and if claimant is otherwise eligible shall pay to claimant any Food Assistance Program benefits to which she is eligible and shall open an ongoing Medical Assistance benefit case for the February to September 2008 months.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 2, 2009

Date Mailed: February 3, 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 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.

LYL/om

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