

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: 2009-9788

Issue No: 2018; 3019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 26, 2009

Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Thursday, February 26, 2009. The claimant personally appeared and testified with her attorney, [REDACTED].

ISSUES

Did the department properly determine that the claimant's son was not eligible for Medical Assistance (MA-L) benefits?

Did the department properly determine that the claimant son's was not eligible for MA-P benefits based on disability for an application filed in June 2008?

Did the department properly determine that the claimant was not eligible for FAP benefits based on excess income?

FINDINGS OF FACT

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

(1) The claimant's son was a recipient of MA-L, which is the Healthy Kids program with a review date set for December 2, 2008.

(2) In June 2008, the claimant applied for Medical Assistance for her son based on disability.

(3) On August 5, 2008, the claimant once again filed a disability application for her son while she was applying for him for SSI.

(4) On December 12, 2008, the department caseworker received the review information to determine continued eligibility for MA-L and a FAP application.

(5) The claimant provided two check stubs for pay period of [REDACTED] through [REDACTED] for a gross amount of [REDACTED] and a second check stub for [REDACTED] through [REDACTED] in the amount of [REDACTED], with a total earned income of [REDACTED]. (Department Exhibit 11-12)

(6) On December 19, 2008, a MA-L review was run where the claimant's son was ineligible due to excess income. (Department Exhibit 8-10)

(7) On December 19, 2008, the department caseworker sent the claimant a notice that her son no longer qualified for Healthy Kids effective December 31, 2008 because her countable income exceeds the limit for Healthy Kids. (Department Exhibit 13)

(8) On December 19, 2008, the department caseworker did a budget for FAP for the claimant based on a total earned income of [REDACTED] which was above the gross income limit for the program by [REDACTED]. (Department Exhibit 14-15)

(9) On December 19, 2008, the department caseworker sent the claimant a notice that she was not eligible for food stamps because her total countable income exceeds the FAP program limits. (Department Exhibit 18)

(10) On December 23, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(11) During the hearing, the claimant's attorney stated that the claimant's son should have been considered for MA-P based on disability because the claimant had filed several subsequent applications requesting to be considered for MA-P based on disability. In addition, the claimant's FAP application was denied for excess assets because the claimant's son was not considered for MA-P instead of MA-L.

(12) The parties have reached an agreed upon settlement to resolve the dispute. The department agreed to leave the claimant's son on MA-L until a determination is made on MA-P. If the claimant's son is determined to not qualify for MA-P based on a MRT denial and the claimant is sent a termination notice, the claimant will be given time to file a timely appeal of the MRT decision and to keep the MA-L case open during the hearing process. In addition, the claimant's December 12, 2008 FAP application decision will be held in abeyance until the final determination of the MA-P decision.

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 (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).

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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agreed to leave the claimant's son on MA-L until a determination is made on MA-P. If the claimant's son is determined to not qualify for MA-P based on a MRT denial and the claimant is sent a termination notice, the claimant will be given time to file a timely appeal of the MRT decision and to keep the MA-L case open during the hearing process. In addition, the claimant's FAP December 12, 2008 application decision will be held in abeyance until the final determination of the MA-P decision. If the claimant does agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is **ORDERED** to keep the claimant's son on MA-L while MA-P is being considered. If the claimant's son is denied MA-P by MRT, the claimant is to be given an

opportunity to file a timely hearing request and the MA-L should be kept open during the hearing process, if it has not already done so.

/s/

Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 24, 2009

Date Mailed: March 25, 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 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.

CGF/vmc

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