

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: 2009-16418

Issue No: 3004, 2000

Case No:

Load No:

Hearing Date:

April 22, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 22, 2009. The Claimant was present and testified. Karen Brenner, FIM appeared on behalf of the Department.

ISSUES

Whether the Department properly opened and calculated Claimant's FAP benefits and whether the Department properly determined medical 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. Claimant applied for FAP and Medicaid in October 2008.
2. Claimant was covered under Plan First MA, which did not cover any pregnancy related charges and which closed on 1/7/09.

3. Claimants FAP case was closed on 3/31/09 for not returning a semi-annual contract report to verify income.
4. At the hearing, the Department agreed to the following:
 - a. One of Claimant's children, [REDACTED], is receiving SSI benefits, and will be placed on SSI Medicaid rather than MA through the healthy kid program. [REDACTED] will then be entitled to state SSI benefits according to law;
 - b. Claimant will be placed on MA under Healthy kids/pregnant women retroactive to September 2008. Claimant shall be reimbursed for any covered expenses that she has already paid out of pocket;
 - c. Claimant is currently entitled to MA benefits through the Caretaker Relative program.
 - d. Claimant's FAP benefits shall be recalculated from November 1, 2008.
5. As a result of this agreement, Claimant indicated that she no longer wished to proceed with a hearing.

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 (formerly known as the Family Independence Agency) 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 (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 department has agreed to transfer minor child, [REDACTED] to SSI related MA, recalculate Claimant's FAP benefits back to 11/1/08, give Claimant MA through Health Kids/Pregnant Women back to September, 2008, and give Claimant MA benefits through the caretaker relative program as of 2/1/09. 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 findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED the Department shall do the following:

1. The Department shall place [REDACTED], on MA for SSI Benefits rather than MA for Healthy Kids. [REDACTED] will then be entitled to state SSI benefits according to law;

2. The Department will place Claimant on MA under Healthy Kids for Pregnant Women retroactive to September 2008. Claimant shall be reimbursed for any covered expenses that she has already paid out of pocket and for any other lost benefits she was otherwise entitled to receive;
3. Claimant is entitled to MA benefits through the Caretaker Relative program as of 2/1/09.
4. The Department shall reopen the Claimant's FAP case back to November 1, 2008 and supplement the Claimant for any lost benefits she was otherwise entitled to receive.

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

Date Signed: 04/28/09

Date Mailed: 04/29/09

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.

JV/dj

cc:

[REDACTED]