

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: 2009-18121
Issue No: 2006, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 Detroit, Michigan on August 19, 2009. The Claimant appeared and testified. [REDACTED], mother, [REDACTED], sister, and [REDACTED], sister, also appeared to testify on claimant's behalf. Deon Gray, Eligibility Specialist, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the claimant's Medical Assistance (MA) and Food Assistance (FAP) 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 was a recipient of MA and FAP benefits.

2. On January 23, 2008, the department issued a notice to claimant that he was approved for the Medicare Savings Program beginning February 1, 2008. (Claimant Exhibit 1)
3. On February 25, 2009, the Department closed claimant's MA and FAP benefits for failure to provide verifications for re-determination.
4. Claimant requested a hearing on February 27, 2009 to contest the closure of the MA and FAP benefits and that his case was never put into the Medicare Savings Program.
5. Claimant's FAP case re-opened on April 27, 2009.

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, 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 department periodically reevaluates cases to ensure that eligibility for program benefits continues. PAM 210. Clients must cooperate with the local office in determining initial and ongoing eligibility including completion of necessary forms. PAM 105. Under PAM 210, the department is to allow clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. PAM 130 and 210.

In the present case, the department was unable to provide any evidence that a request for verifications was ever sent to claimant. The department did not submit a copy of a verification checklist and the department representative present for the hearing could not tell what date a request for verifications was sent to claimant or the due date for claimant to submit the need information. Claimant testified he never receive a request for verifications form the department. Accordingly, the department's closure of the MA and FAP benefits for failure to provide verifications for the re-determination was in error.

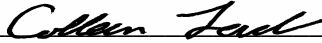
Based upon the foregoing facts and relevant law, it is found that the department's MA and FAP determinations are REVERSED. The department shall re-instate claimants MA and FAP benefits retroactive to the closure date of February 25, 2009.

Further, claimant has submitted proof that he was approved for the Medicare Savings Program beginning February 1, 2008. The department representative present at the hearing testified that it does not appear that the prior worker ever requested the buy in for the Medicare Savings Program for claimant's case. Therefore, the department shall also request the buy in for the Medicare Savings Program and request reimbursement for claimant retroactive to the February 1, 2008 eligibility date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the claimant's MA and FAP benefits.

Accordingly, the Department's MA and FAP eligibility determinations are REVERSED. Therefore it is ORDERED that the department reinstate claimant's MA and FAP benefits retroactive to the closure date of February 25, 2009 and award benefits to claimant. It is further ORDERED that the department request the buy in for the Medicare Savings Program with reimbursement for claimant retroactive to February 1, 2008 and inform the claimant in writing of the Medicare Savings Program determination in accordance with this Decision.



Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/17/09

Date Mailed: 09/18/09

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.

CL/dj
cc:

