

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: 2009-19692

Issue No: 2013; 3003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 10, 2009

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 June 10, 2009. Claimant personally appeared and testified with assistance of his aunt.

ISSUE

Did the department correctly compute claimant's Medicaid (MA) and Food Assistance Program (FAP) eligibility in April, 2009?

FINDINGS OF FACT

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

1. Claimant was a recipient of MA and FAP on April 3, 2009, when department's computer system Bridges used an increased amount of his RSDI, automatically reduced his FAP

benefit amount, closed claimant's Medicare Part B assistance, and changed claimant's MA coverage to a MA Deductible case.

2. Claimant was notified of these changes and requested a hearing on April 10, 2009. Department reinstated claimant's MA and FAP benefits pending a hearing decision and/or a correction within Bridges.

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).

Department's representative testified that claimant's case was not correctly coded in the Bridges computer system. Claimant is a Disabled Adult Child as defined in PEM 158. As such, claimant receives different income considerations leading to expanded MA eligibility.

Claimant's aunt will get additional information from Social Security Administration regarding

claimant's RSDI as soon as possible and provided it to the department. Department's representative indicates that upon receipt of such verification claimant's MA and FAP budgets will be reviewed and corrected.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly computed claimant's MA and FAP eligibility in April, 2009, due to an apparent Bridges erroneous determination.

Accordingly, department's action is REVERSED. Upon receipt of additional information from SSA pertaining to claimant's RSDI income, department shall:

1. Compute new MA and FAP budgets.
2. Notify the claimant in writing of this determination. Claimant may request a hearing if in disagreement with department's determination.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 23, 2009

Date Mailed: June 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.

IR [REDACTED]

cc:

[REDACTED]