

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant,

Reg No: 2009-19736

Issue No: 2018, 3022

Case No:

██████████

Load No:

Hearing Date:

June 11, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 ██████████ on June 11, 2009.

ISSUE

Whether the Department properly terminated Claimant's Medical Assistance (MA) and Claimant's Food Assistance Program (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 MA and FAP recipient.
- (2) Claimant's MA benefits were terminated on September 30, 2008 because her only eligible child was over the age of 18 and in college, therefore, Claimant no longer qualified as a caretaker relative. (Exhibit 1)

(3) Claimant's FAP case closed on September 30, 2008 and it was not recertified because she did not supply the Department with current identification.

(Exhibit 1)

(4) On October 1, 2008, the Department mailed Claimant an Application Eligibility Notice which explained Claimant's application for FAP benefits had been denied because she did not provide identification. (Exhibit 3)

(5) On October 16, 2008, the Department received the Claimant's hearing request protesting the termination of her MA and FAP benefits. (Exhibit 2)

(6) According to the Department, Claimant applied for FAP benefits in another district on October 9, 2008 and received FAP benefits until February 25, 2009 when they were terminated for failure to provide verification(s). In addition, Claimant has a pending application for medical disability.

(7) Claimant suffers from seizures and has difficulty with her memory. The Department agreed to speak with Claimant and her daughter after the hearing in order to answer any questions she had about MA and FAP benefits and to direct her to the proper contacts for each of the programs.

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. Departmental 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 instant case, Claimant's daughter turned 19 in January 2008. Claimant did not know that was the reason her MA benefits were terminated. She thought her coverage was terminated because she did not provide identification. The identification issue was with her FAP benefits. Claimant agreed she did not have identification on the date she re-applied, but testified that she attempted to drop off and/or fax her identification back to the Department. However, her caseworker did not receive it and then closed her case.

It is unknown exactly what has taken place since Claimant's MA and FAP benefits were terminated some 9 months ago. Claimant has difficulties with memory and has moved, maybe more than once. It appears that she may have re-applied for medical disability and FAP in another district. The Department was going to speak with Claimant and her daughter at the conclusion of the hearing about what the computer shows in terms of her benefits and contacts and also to answer any questions it could for her.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in terminating Claimant's MA and FAP benefits.

