

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: 2009-23601

Issue No: 2026; 3005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 1, 2009

Jackson 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 July 1, 2009. Claimant personally appeared and testified.

ISSUE

Were department's actions on claimant's Medicaid (MA) and Food Assistance Program (FAP) benefits correct?

FINDINGS OF FACT

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

1. Department's Hearing Summary, the only document provided for this hearing, states "We are rescinding are actions and reinstating the case to the previous levels". Date client notified of department's action is 4/3/09, effective date of action is 5/1/09, and actions prompting hearing requests are listed as termination and other, "increased deductible".

2. Hearing Summary is prepared by an employee that has since retired and is not available for the hearing.

3. Claimant requested a hearing on April 9, 2009, citing MA and FAP as the programs she is contesting.

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 at the hearing is unable to explain what was exactly done on claimant's case in April, 2009, and what the now retired employee did or did not do on claimant's case when he stated that the case was being reinstated to the previous levels. This is no fault of this representative, as there are no notes in claimant's case record explaining what the preparer of the Hearing Summary concluded. However, department's representative does state

that it appears that department's new computer system did not mail out claimant's FAP review materials to her as required by policy, in order to recertify her FAP case and continue these benefits past their certification ending date. The representative agrees that these benefits should be revisited and addressed.

Claimant states that she did not understand MA deductible before, but that she now does and will locate and submit any unpaid medical bills that are her responsibility to pay to the department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions on claimant's MA benefits appear to be correct. However, department's actions on claimant's FAP benefits are incorrect based on the hearing testimony.

Accordingly, department's action is REVERSED. Department shall:

1. Accept and process a review application from the claimant that the claimant has in her possession on the date of the hearing.
2. Issue the claimant a Verification Checklist, DHS-3503, listing any missing information/verification needed to determine continuous FAP eligibility, and giving her 10 days to do so.
3. Determine claimant's FAP eligibility starting on May 1, 2009, which appears to be when her previous FAP benefit certification expired. If claimant is eligible for FAP benefits, issue her any such benefits she did not receive, starting with May, 2009.
4. Notify the claimant in writing of this determination.

SO ORDERED.

/s/

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

Date Signed: July 1, 2009

Date Mailed: July 2, 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.

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