

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. 2009-30427
Issue No: 2000, 3000,
6000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
August 27, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9; MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on August 27, 2009. Claimant appeared and testified. Rena Valentine, FIM, appeared on behalf of the department.

ISSUE

Did the Department properly determine ongoing eligibility for Food Assistance (FAP), Medical Assistance (MA), and Child Development and Care Program (CDC) benefits?

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 an ongoing recipient of FAP, MA, and CDC benefits.
2. Claimant received a lump sum child care payment in May 2009.

3. When claimant's case was put into the new Bridges computer system, an error occurred and the system continues to count the lump sum as monthly unearned income.
4. Claimant's household/group composition has changed as the 17 year old child graduated from high school and claimant's daughter gave birth on July 9, 2009.
5. Effective July 2009, due in part to the error with the new computer system, claimant's FAP benefits decreased to \$2.00 per month and the CDC benefits closed on July 18, 2009.
6. Claimant did not receive any FAP benefit in July 2009.
7. On July 13, 2009, claimant filed hearing requests to contest the processing of the FAP, MA and CDC benefits.
8. As of the date of the hearing, the department has filed a ticket with the Department of Information Technology (DIT) to fix the system error and claimant's MA benefits have remained open.
9. The parties agree there are no remaining issues regarding MA benefits.
10. At the hearing the Department agreed to re-determine eligibility for the FAP and CDC benefits retroactive to July 2009.
11. As a result of this agreement, claimant indicated that she no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

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 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).

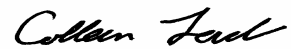
The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained 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, claimant is contesting the processing of her FAP, MA and CDC benefits. At the hearing, the department and claimant agreed that the MA case remains open and there are no remaining issues regarding this benefit program. The department agreed to re-determine eligibility for FAP and CDC benefits retroactive to July 2009. 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 above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED that the department re-determine eligibility for FAP and CDC benefits retroactive to July 2009 and award benefits to claimant, if appropriate, in accordance with this settlement agreement.



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

Date Signed: 09/21/09

Date Mailed: 09/22/09

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:

