

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. 2009-33368
Issue No: 2000, 3000, 6000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
September 23, 2009
Muskegon 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 September 23, 2009. Claimant appeared and testified. Donata Clanton, FIM, appeared on behalf of the department.

ISSUE

Did the Department properly determine ongoing eligibility for Medical Assistance (MA), Food Assistance Program (FAP) 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 MA, FAP and CDC benefits.
2. On June 4, 2009 claimant received a letter indicating that the MA and CDC benefits for her son would close effective May 2009.

3. The department was able to reinstate the MA benefits beginning in June 2009, but not for May 2009 on the new Bridges system.
4. The department has submitted a help desk ticket regarding claimant's case.
5. Claimant's husband's work hours were cut to part time (6 am to 11 am Monday through Thursday and 6 am to 10 am Fridays) and he began collecting some unemployment benefits.
6. Claimant stopped working for the summer on May 22, 2009, returned to work for August 17-20, 2009, then September 2, 2009 to present.
7. On June 8, 2009, claimant filed hearing requests to contest the MA, FAP and CDC determinations.
8. The parties agree there are no contested issues regarding the FAP benefits.
9. At the hearing, the Department agreed to continue working to have the MA benefits reinstated for May 2009.
10. At the hearing, the Department further agreed to obtain verification of the employment changes and re-determine eligibility for CDC benefits for any periods claimant may be eligible for from May 2009 to present.
11. As a result of this agreement, claimant indicated that she no longer wished to proceed with the hearing.

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 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 filed a hearing request contesting the department's MA, FAP, and CDC determinations. At the hearing, the department and claimant agreed that there are no contested issues related to claimant's FAP benefits. The department agreed to continue working on having the MA benefits for May 2009 reinstated. The department further agreed to obtain verification of the employment changes and re-determine eligibility for CDC benefits for any periods the claimant may be eligible for from May 2009 to present. 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 continue working on having the MA benefits for May 2009 reinstated. It is further ORDERED that the department obtain verification of the employment changes and re-determine eligibility for the CDC benefits for any periods claimant may be eligible for from May 2009 to present and award benefits to claimant, if appropriate, in accordance with this settlement agreement.

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

Date Signed: September 30, 2009

Date Mailed: September 30, 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 receipt 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/cv

cc:

