

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. 2009-33782
Issue No: 2000; 3000
Case No. ██████████
Load No. ██████████
Hearing Date:
September 24, 2009
Ionia 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 24, 2009. Claimant appeared and testified. Steve Speiser, FIM, appeared on behalf of the department.

ISSUE

Did the Department properly determine ongoing eligibility for Medical Assistance (MA) and Food Assistance (FAP) 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 and FAP benefits.
2. On July 1, 2009, claimant returned the re-determination form and attended an in person interview.
3. On July 1, 2009, the department issued a Verification Checklist requesting additional documentation with a due date of July 11, 2009.

4. On July 20, claimant provided the requested verifications.
5. On July 27, 2009, the MA benefits were closed for failure to provide the requested verifications.
6. As of the date of the hearing, the department was still processing the re-determination for claimant's FAP case. However claimant has not received FAP benefits since the prior certification period ended July 31, 2009.
7. On August 8, 2009, claimant filed hearing requests to contest the MA and FAP determinations.
8. At the hearing, the Department agreed to reprocess the MA case retroactive to the July 27, 2009 closure and to continue processing the FAP re-determination.
9. 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 Bridges Administrative Manual (BPAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

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. Department policies

are found in the Bridges Administrative Manual (BPAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

Under Bridges 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 closure of her MA benefits and the stoppage of her FAP benefits while re-determination is being processed. The department had all requested verifications for the MA program when the case was closed July 27, 2009. The department is continuing to process the re-determination for the FAP benefits. At the hearing, the department agreed to re-process eligibility for MA retroactive to the July 27, 2009 closure date and to continue processing the re-determination for claimant's FAP benefits retroactive to July 31, 2009, the end of the prior certification period. 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 MA benefits retroactive to the July 27, 2009 closure date. It is further ORDERED that the department continue processing the FAP re-determination retroactive to July 31, 2009, the end of the prior certification period 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 25, 2009

Date Mailed: September 28, 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:

