

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: 2009-34686
Issue No: 2000, 3000, 6000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 7, 2009
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 conference hearing was held on October 7, 2009. Claimant appeared and testified. [REDACTED] claimant's mother, appeared and testified. Connie Miller, FIS, appeared on behalf of the Kalamazoo County Department of Human Services office. Sheila Beaty, FIM, and Geri Sturgis, ES, appeared on behalf of the St. Joseph County Department of Human Service office.

ISSUE

Did the Department of Human Services (DHS) properly close claimant's Food Assistance Program (FAP), Medical Assistance (MA) and Child Development and Care (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 who resided [REDACTED], in Kalamazoo County.

(2) Claimant moved to [REDACTED], Michigan, in St. Joseph County on May 27, 2009 and testified she reported the change of address to the department within 10 days.

(3) On June 30, 2009, the department issued a New Hire Report to complete with a due date of July 10, 2009; however, claimant's old address was listed on the form.

(4) Claimant testified that the report was not mailed to her, but had been handed to her husband and that it was completed and mailed back to the department.

(5) On July 9, 2009 the department issued a Notice of Case Action that the MA, FAP, and CDC cases would close beginning in August 2009 for failure to verify information.

(Exhibit pgs. 5-7)

(6) On July 17, 2009, the Kalamazoo County Department of human Services office mailed correspondence to claimant at the new address [REDACTED], Michigan. (Claimant Exhibit 1)

(7) The New Hire Report dated June 30, 2009, appears to have been re-issued with an amended due date of July 31, 2009, but the address was not updated. The form was completed by claimant on August 5, 2009 and submitted, with notations by claimant that this information had already been submitted and regarding her move to another county. It was received in the Kalamazoo County mailroom on August 14, 2009. (Department Exhibit 1, pgs. 2-4)

(8) The Department's September 2, 2009 hearing summary, however, indicates that the real reason for the closure was because claimant's mail was being returned and marked as "moved unable to forward" and therefore, the benefits were closed because claimant could not be located. (Hearing Summary)

(9) Claimant filed a Hearing Request on August 24, 2009 contesting the closure of the MA, FAP and CDC benefits.

(10) The closed case file was transferred to the St. Joseph County Department of Human Services office on August 24, 2009.

(11) At the hearing, the Department agreed to reinstate claimant's MA, FAP, and CDC benefits retroactive to the August 2009 closure.

(12) 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 (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

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

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 closure of her FAP, MA and CDC benefits. Claimant moved from Kalamazoo County to St. Joseph County on May 27, 2009 and testified she reported her change of address to the department within 10 days. Claimant further testified that requested forms were also completed and returned to the department. Upon review of the case records and claimant's exhibit during the hearing, it was apparent that there was some confusion regarding claimants move, that the change of address was provided to the department, when information was requested from claimant, when claimant returned information, and that information may have been re-requested with a new due date.

At the hearing, the department agreed to reinstate claimant's MA, FAP, and CDC benefits retroactive to the August 2009 closure. 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 reinstate claimant's MA, FAP, and CDC benefits retroactive to the August 2009 closure, awarding 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: October 10, 2009

Date Mailed: October 12, 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 mailing date of the rehearing decision.

CL/cv

cc:

