

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.: 2009-35160

Issue No.: 2012/3002

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

October 7, 2009

Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on October 7, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the claimant's Medical Assistance (MA) and reduce her Food Assistance (FAP)?

FINDINGS OF FACT

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

1. The Claimant was an ongoing FAP and MA recipient.
2. The department closed the claimant's MA in error.
3. On July 29, 2009, the claimant notified the department of a change in residence during a semi-annual report.

4. On July 29, 2009, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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 (formerly 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 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 (formerly known as the Family Independence Agency) 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).

In the instant case the department closed the claimant's MA in error.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The Department agreed to reregister the claimant's retroactive MA application as of November 12, 2008.

In relation to the FAP budget the department ran a new budget on September 3, 2009. The claimant testified that she had notified the department of a change in her residence on July 29, 2009. This fact was not challenged by the department.

In light of the fact that shelter costs are now accepted by the department, but not included in the FAP allotment for August, 2009, the department needs to refigure the FAP budget back to August 1, 2009.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, finds the department and claimant have come to an agreement and ORDERS the Department to reregister the claimant's retroactive MA application as of November 12, 2008. It is further ORDERED that the department return to August 1, 2009, and utilize appropriate expenses and income documentation to refigure the claimant's FAP back to August 1, 2009, and replace any lost benefits if appropriate.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/4/09

Date Mailed: 12/4/09

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 60 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.

MJB/jlg

cc:

