

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: 2009-4880
Issue No: 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 12, 2009
Midland County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 February 12, 2009.

ISSUE

Did the DHS properly delete the proposed negative action?

FINDINGS OF FACT

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

- (1) At all relevant times, claimant has been a beneficiary of the MA and FAP programs with the Michigan DHS.
- (2) Claimant's cases were scheduled for review in November, 2008. At review, the DHS issued a Verification Checklist for claimant to complete a New Hire Employment Form (FIA-4635A) with a due date of 11/6/2008.

(3) Claimant delivered the form to the employer. The employer promised to return the form.

(4) On 11/6/2008, the department had not received the form.

(5) On 11/6/2008, the department issued notice of case actions to close claimant's MA and FAP on the grounds that the forms were not returned.

(6) On 11/7/2008, the department received the necessary verification(s) and deleted the negative action.

(7) Claimant has had no interruption in benefits and the negative action was deleted.

(8) On 11/12/08, claimant filed a hearing request.

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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Relevant policy and procedure regarding verification and cooperation is found primarily in PAM Items 105 through PAM Item 115. See also PAM Items 130, 210, 220.

In this case, there is no dispute as to the facts. Claimant's employer delivered the form one day late. The action had not taken place. The department deleted the proposed negative action. Claimant did not have any loss or any interruption in benefits.

After careful review of the substantial and credible evidence on the whole record, this ALJ upholds the department's deletion of the proposed negative action and the continuation of claimant's benefits regarding the MA and FAP programs. Claimant understands that there was no action affecting his eligibility, but rightly requested a hearing as there was no guarantee of reinstatement. The department presented a computer printout at the administrative hearing verifying the reinstatement.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department's deletion of the proposed negative action was correct, and thus,

Accordingly, the department's continuation of benefits on behalf of claimant was correct and is UPHELD.

/s/

Janice G. Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 19, 2009

Date Mailed: February 23, 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.

JGS/cv

cc:

