

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: 2010-17243

Issue No: 2013, 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 8, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 hearing was conducted from Lansing, Michigan on April 8, 2010.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

- (1) Claimant is a FAP and MA recipient.
- (2) On December 16, 2009, the Department sent Claimant a Notice of Case Action which informed her that her MA benefits would continue for Claimant and her three children from May 1, 2009 to August 31, 2009 and was approved for her three children from January 1, 2010 – ongoing and a \$41.00 deductible for Claimant during this same time period. Claimant's

FAP benefits were approved from January 1, 2010 to December 31, 2010 in the amount of \$484.00/mo.

- (3) On January 12, 2010, the Department received the Claimant's hearing request.

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 (DHS or department), administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

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 Bridges Reference Manual (BRM).

In the instant case, the Department produced a few, but not nearly all the relevant documents at the time of hearing. The undersigned requested that the Department 1) print off the applicable Notice of Case Action and FAP and MA budgets relating to it, 2) fax the documents to SOAHR and 3) contact SOAHR to prompt a return phone call from the undersigned to continue the hearing. The Department did not fax the documents or call SOAHR for an hour and a half and was not able to be reached during this time period. Claimant was no longer available at the time the Department faxed the documentation and alerted SOAHR that it was ready to proceed with the hearing. The Department has still not provided all of the requested information.

With the above said, I do not find that the Department established that it acted in accordance with policy in computing Claimant's FAP and MA eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in computing Claimant's FAP and MA eligibility.

Accordingly, the Department's FAP and MA eligibility determinations are REVERSED, it is SO ORDERED. The Department shall:

- (1) Complete new FAP and MA budgets for January 1, 2010 – ongoing. The Department may request information and verification(s) needed to complete the budgets and shall follow policy for budgeting Claimant's earned and unearned income and expenses.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.
- (4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 19, 2010

Date Mailed: April 20, 2010

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.

SB/lk

cc:

