

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.: 2010-1747
Issue No.: 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
November 12, 2009
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 12, 2009 claimant was present and testified along with [REDACTED] who served as translator, [REDACTED] and [REDACTED] appeared for the department and testified.

ISSUE

Was the department correct in closing claimant's AMP 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 a recipient of AMP benefits.
- (2) Claimant's AMP benefits were closed in August 2009.
- (3) Claimant was not given notice of his AMP benefits closing.
- (4) The Department could not provide documentation or give explanation regarding the closure of claimant's AMP benefits.

- (5) Claimant requested a hearing on October 2, 2009 contesting the closure of AMP and FAP benefits.
- (6) Claimant is satisfied with the Department's actions with regard to FAP benefits.

CONCLUSIONS OF LAW

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. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq*. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, Claimant's AMP benefits were closed in August 2009. BAM 220 requires timely notice for a negative action. At hearing, the Department could not explain why benefits were closed or provide proof that notice had been given to the claimant. Claimant credibly testified that he received no notice regarding why his AMP benefits were closed. Therefore the closure of claimant's AMP benefits was improper and AMP benefits should be reinstated.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was incorrect in the closure of AMP benefits, and it is ORDERED that the department's decision in this regard be and is hereby REVERSED. Claimant's AMP benefits shall be reinstated retroactive to the date of closure.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/25/09

Date Mailed: 11/25/09

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.

AM/jlg

cc:

