

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: 2010-37386

Issue No: 2001, 3003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 24, 2010

Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on June 24, 2010. Claimant appeared and testified.

ISSUES

Did the Department of Human Services properly deny Claimant's application for Medical Assistance (MA)?

Did the Department of Human Services properly determine the amount of Claimant's Food Assistance Program (FAP) 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) On April 27, 2010, Claimant submitted an application for Medical Assistance

(MA) and Food Assistance Program (FAP) benefits. The information in the application indicated that the Adult Medical Program (AMP) would be the only Medical Assistance (MA) program Claimant could be eligible for.

(2) On May 5, 2010, Claimant's application for Medical Assistance (MA) was denied due to a freeze on enrollment for the Adult Medical Program (AMP). Claimant was sent a Notice of Case Action (DHS-1605) informing him of the determination.

(3) On May 19, 2010, a financial eligibility budget was run and Claimant was approved for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits. Claimant was sent a Notice of Case Action (DHS-1605) informing him of the determination.

(4) On May 27, 2010, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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

In this case there is no issue to hear regarding the Adult Medical Program (AMP). With regard to the Food Assistance Program (FAP) the Department presented evidence showing the validity of the benefit amount. Claimant asserts he pays more in child support than the Department used in determining his eligibility. The Department used information supplied by the Friend of the Court. The record was left open to allow Claimant to submit evidence supporting his assertion about his child support amounts. As of July 8, 2010 no evidence had been submitted through the local Department office.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's application for Medical Assistance (MA) due to a freeze on enrollment in the Adult Medical Program (AMP) and properly determined the amount of Claimant's Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 13, 2010

Date Mailed: July 14, 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.

GFH/alc

cc:

