

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-41005

Issue No: 2006, 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 29, 2010

Gladwin County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 held on July 29, 2010.

ISSUE

Did the Department of Human Services (the department) properly reduce Food Assistance Program (FAP) benefits and cancel claimant's transitional Medicaid Assistance. (TMA-P)?

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 [REDACTED] the claimant reported that her son was removed from the home by Child Protective Services and placed in Foster Care. There was a plan in place for his return.
- (2) On June 11, 2010, the worker attempted to remove the child from the case and the BRIDGES computer made an error, it pended the FAP reduction to effect June benefits and did not consider TMA or Transitional Medicaid plus for the remaining family members.
- (3) The department caseworker filed the BRIDGES help desk for correction on June 11, 2010, due to the referral being done on the June benefits and the closing of the Transitional Medical Assistance. The help desk ticket was still pending on the date of hearing, July 29, 2010.

- (4) On June 11, 2010, the BRIDGE computer notified the claimant that the FAP benefits would be reduced effective July 1, 2010, and the Transitional Medical Assistance benefits would be cancelled.
- (5) On June 18, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (6) The department caseworker concurred on the record that the BRIDGES computer made an error and is still waiting for the help desk ticket.

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).

In the instant case, it is not necessary for this Administrative Law Judge to make a determination as the department has concurred on the record that the BRIDGES computer did make an error in both the FAP benefits and the TMA-P benefit case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department has not established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it proposed to cancel claimant's Transitional Medical Assistance benefits and when it proposed to reduce claimant's Food Assistance Program benefits to effect June 2010, benefits.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's Food Assistance Program and Medical Assistance case to the June 11, 2010, closure or reduction date and to pay to claimant any Food Assistance Program benefits that she would be otherwise eligible for and to make the appropriate assessment for the remaining family members for the Transitional Medicaid or Transitional Medicaid Plus.

Landis

/s/
Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 05, 2010

Date Mailed: August 10, 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 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 mailing 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.

LYL/alc

cc:

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