

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.: 2010-45736
Issue No.: 2006/3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 30, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on August 30, 2010. The claimant appeared and testified. [REDACTED], FIM and [REDACTED] FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application for Food Assistance Program ("FAP") benefits and Medical Assistance Program ("MA-P") 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. The Claimant applied for Medical Assistance and Food stamps for his 3 grandchildren on June 25, 2010. The Claimant has temporary custody and is guardian of his grandchildren
2. The Department Bridges system made an error and denied medical assistance for two of the grandchildren who are eligible and the Department agreed to correct the error retroactive to the date of the application June, 30, 2010 and provide medical assistance for all three grandchildren
3. The Department agreed to recalculate the Claimant's Food Assistance Budget based upon the fact that the group income is less than it originally calculated. The Claimant's spouse no longer receives unemployment

benefits and at the time of the application was not receiving these benefits.

4. The Claimant's group is an SDV group of 6 members and has shelter mortgage expense of \$567.75 and is entitled to utility allowance of \$555. The Claimant receives unearned income from Social Security Disability in the amount of \$1182, and his minor son also receives Social Security Disability in the amount of \$646.
5. As a result of recalculation of the Claimant's FAP budget the Claimant is now eligible for Food Assistance in the amount of \$343 per month beginning August 1, 2010. Food Assistance will increase to \$356 in October 2010.
6. As a result of these agreements regarding Food Assistance Eligibility and Medical Assistance, Claimant indicated that he no longer wished to proceed with the remainder of the hearing.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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 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 (formerly known as the Family Independence Agency) 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 Reference (RFT).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case the department has agreed to correct the Bridges error with regard to Medical Assistance for the Claimant's two grandchildren [REDACTED] and [REDACTED] and to reinstate medical assistance coverage retroactive to the date of application.

The Claimant is also entitled to FAP assistance based on the corrected budget and the Department has agreed reopen the Claimant's application for FAP benefits and begin FAP assistance beginning August 1, 2010.

As a result of these agreements, Claimant indicated he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's FAP and MA applications for his two grandchildren retroactive to the date of the Claimant's application for benefits.
2. The Claimant's FAP benefits will begin August 1, 2010 in the amount of \$343 as recalculated by the Department.
3. The Claimant's two grandchildren [REDACTED] and [REDACTED] shall receive medical assistance retroactive to the date of the Claimant's application in accordance with department policy.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/31/2010

201045736/LMF

Date Mailed: 8/31/2010

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 of the rehearing decision.

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