

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2010-997  
Issue No.: 2005  
Case No.:   
Load No.   
Hearing Date:  
November 23, 2009  
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on November 23, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Medical Assistance (MA) and properly figure her Food Assistance (FAP)?

FINDINGS OF FACT

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

1. The Claimant was a MA and FAP recipient.
2. On September 26, 2009, the department notified the claimant that her FAP was to be reduced. (Department exhibit 1).
3. On October 6, 2009, the department denied the claimant's MA

4. On October 7, 2009, the claimant filed a request for a hearing.

#### 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 (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 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 (formerly known as the Family Independence Agency) 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, the claimant had been, according to the Department, receiving SSI benefits for her deceased husband. The department denied the claimant's MA for failure to verify her citizenship status.

#### **MA Only**

The Michigan Department of Community Health (MDCH) Program Eligibility Policy Section will evaluate applicants and current Medicaid recipients who are unable to provide documentation of citizenship and identity on a case by case basis.

MDCH will attempt to verify citizenship and/or identity after all other possibilities have been exhausted by DHS which include but are not limited to state to state written and/or verbal inquiries, interviews with friends and relatives and the use of computerized records.

If you are unable to verify citizenship or identity for an applicant or recipient send a written request to:

Michigan Department of Community Health  
Eligibility Policy Section  
P.O. Box 30479  
Lansing, MI 48909 (Pam 130, p. 3).

In the instant case, the department did not assist the claimant in her attempts to resolve the citizenship issue. This ALJ finds that the department was in violation of the above policy.

Regarding the claimant's FAP allotment, \$712.00 was used as the claimant's monthly income figure and \$16.00 per month is the correct FAP allotment for a FAP group of one (1). (RFT 260, p. 7).

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to retroactively open the claimant's MA back to February 26, 2009, and assist the claimant in providing the necessary citizenship documentation. In addition the department's calculation of the claimant's FAP is AFFIRMED.



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Michael J. Bennane  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 1/20/2010

Date Mailed: 1/20/2010

**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 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 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.

MJB/jlg

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