

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: 201012220
Issue No: 3008/2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 7, 2010
Wayne County DHS (19)

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on April 7, 2010. The Claimant was present and testified. Rodina Stoner FIM, 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 on the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was a food assistance (FAP) and Medical Assistance (MA) recipient.
2. The Claimant was sent a Verification Checklist requesting information regarding her daughters Social Security Card and birth verification on May 20, 2009.

3. The Verification did not allow the Claimant 10 days to submit the information and did not indicate that the verification was also for FAP benefits. Exhibit 1 DHS Hearing Summary
4. The verification did not properly advise the Claimant of the programs for which the verifications were requested. Exhibit 1 DHS Hearing Summary
5. On August 20, 2009, the Claimant was advised that her FAP case would close for failure to provide the requested verifications.
6. The Claimant had submitted the verifications prior to May 20, 2009 when she attended a group interview. Claimant Exhibit 1 Hearing Request
7. The Department's Hearing Summary acknowledged that the verification form 3503 (Verification Checklist) did not contain the programs for which the verification was needed and that the 3503 form must so indicate in order to support the denial of benefits. Exhibit 2
8. The Department Closed the Claimant's FAP case on September 1, 2009 for failing to provide the requested information.
9. The Department had closed the Claimant's MA case pre-conversion on March 31, 2009.
10. At the hearing, the Department agreed to reopen and reinstate the Claimant's FAP case and to determine eligibility as of September 1, 2009 and to supplement the claimant for benefits she was otherwise entitled to receive.
11. The Department also agreed to reopen the Claimant's MA case retroactive to April 1, 2009 and to determine eligibility.
12. As a result of this agreement, Claimant indicated that she 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 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 Reference Table (RFT).

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 reopen the Claimant's FAP and Medical Assistance application retroactive to April 1, 2009. The Department also agreed to reopen the Claimant's FAP case retroactive to September 1, 2009 and to determine the claimant's eligibility as of that date. As a result of this agreement, Claimant indicated she no longer wished to

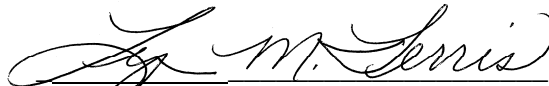
proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the 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 case retroactive to September 1, 2009 and shall determine the Claimant's eligibility for FAP as of September 1, 2009.
2. The Department shall reopen and reinstate the Claimant's MA case retroactive to April 1, 2009 and will determine eligibility as of that date.
3. The Department will supplement the Claimant for both FAP and MA benefits she might otherwise be entitled to receive, if any, retroactive to the dates contained in paragraphs 1 and 2 of this Decision and Order.



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

Date Signed: 05/25/10

Date Mailed: 05/26/10

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.

LMF/dj

cc:

