

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: 201012845
Issue No: 3008/2006/
1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 19, 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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on April 19, 2010. The Claimant was present and testified. Terry Bailey, FIM and Tina Wheeler, FIM Specialist appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance Program ("FAP") case, and whether it properly denied the Claimant's application for Medical Assistance Program ("MA-P") benefits and Family Independence Program Benefits ("FIP") (Cash)?

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) recipient since 2003.

2. On October 1, 2009, the Claimant applied for FIP Cash benefits and Medical Assistance.
3. The Claimant was given a Verification Checklist requesting birth records or proof of citizenship for her family on October 1, 2009.
4. The Claimant had 7 children, some of whom were born in Ohio. In order to obtain the birth certificates, the claimant had to obtain them from Ohio at a cost of \$27.00 each. The Claimant had no money to obtain the birth certificates and was not offered assistance to obtain same.
5. The Claimant could not obtain the birth certificates by the due date of October 10, 2009.
6. The Claimant's FAP benefits were closed and the application for FIP and MA were denied by the Department on or about November 16, 2009.
7. The Claimant finally obtained the birth records of everyone and submitted them to the Department on December 8, 2009, after the FAP case closed and the applications were denied.
8. The Department was unable to locate the notice of case action closing the FAP case and denying the FIP and MA application.
9. The Claimant had been told the birth certificates were unnecessary for the FAP case by her prior worker.
10. The Department believed that the matter resulted in FAP closure and FIP and MA denial due to an error by the Bridges system.
11. At the hearing, the Department agreed to reopen and reinstate the Claimant's application for FIP and MA, retroactive to the date of Claimant's application,

believed to be October 1, 2009; and supplement the Claimant FIP and MA benefits she was otherwise entitled to receive, retroactive to the date of her application. .

12. The Department also agreed to reopen the Claimant's FAP case and supplement the Claimant's FAP benefits retroactively for the months of November, December 2009 through January 9, 2010, when her FAP benefits were restored by the Department.
13. 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).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

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 case retroactive to November 1, 2009 and to supplement the Claimant's FAP benefits for the months of November, December 2009 through January 9, 2010. The Department further agreed to reinstate the Claimant's Medical Assistance and FIP application retroactive to October 1, 2010, the date it is believed the Claimant applied, and to retroactively, by supplement, provide the Claimant's FIP and MA benefits to the date of application.

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

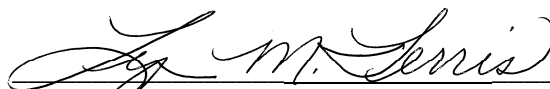
unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

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 November 1, 2009, and retroactively supplement the Claimant's FAP benefits, she was otherwise entitled to receive, for the months of November and December 2009 through January 9, 2010.
2. The Department shall reopen and reinstate the Claimant's MA and FIP application to the date of application, October 1, 2009, and shall retroactively supplement the claimant for FIP and MA benefits she was other wise entitled and eligible to receive.



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.

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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:

