

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: 201013537

Issue No: 3000/2000

Case No:

Load No:

Hearing Date:

February 4, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 submitted on October 7, 2009. After due notice, a telephone hearing was conducted in Wayne County, Michigan on February 4, 2010. The Claimant was present and testified. Jacqueline Benguche, FIM and Katrina Gillespie, ES Specialist appeared on behalf of the Department.

ISSUES

Whether the Department properly calculated Claimant's Food Assistance Program ("FAP") benefits?

Whether the Department awarded the appropriate 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 an active FAP and MA recipient.

2. Claimant's prescription costs and utility costs were not included in his FAP budget effective November of 2009.
3. At the hearing, the Department agreed to recalculate FAP benefits to include electric and phone deductions as well as prescription costs in the FAP budget retroactive to November, 2009.
4. Furthermore, Claimant was not receiving full MA benefits despite being on RSDI for the last eight years.
5. At the hearing, the Department also agreed to raise Claimant's MA coverage to full MA. The Department further agreed to relook at whether Claimant qualifies for Qualified Medicaid Beneficiary ("QMB") after Claimant's application for Plan A Medicare filed in January of 2010 is processed.
6. As a result of this agreement, 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 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.

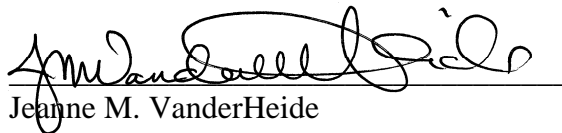
In the present case, the department has agreed to recalculate Claimant's FAP benefits including Claimant's electric and telephone costs as well as prescription medication costs. The Department also agreed to raise Claimant's MA coverage to full MA benefits. The Department further agreed to relook at whether Claimant qualifies for Qualified Medicaid Beneficiary benefits ("QMB") after Claimant's application for Plan A Medicare filed in January of 2010 is processed. As a result of this agreement, 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 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 recalculate Claimant's FAP benefits from November 1, 2010 through the present including Claimant's electric and telephone obligation and prescription medication costs in accordance with this settlement agreement.
2. The Department shall enroll Claimant in full disability-based MA Care effective 11/1/09. The Department shall further review Claimant's eligibility for QMB after Claimant's application for Plan A Medicare is decided.
3. The Department shall supplement the Claimant for any lost benefits he was otherwise entitled to receive as a result of his electric, telephone, or prescription obligations not being included in FAP calculation.
4. The Department shall supplement the Claimant for any lost benefits he incurred from 11/1/09 forward as a result of being placed on the incorrect MA program.



Jeanne M. VanderHeide  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 03/09/10

Date Mailed: 03/11/10

**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.

JV/dj

cc:

