

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.: 2010-19811

Issue No.: 6000

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 22, 2010

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on March 22, 2010. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether Claimant is entitled to a hearing for Medical Assistance (MA) and Food Assistance Program (FAP) benefits on actions taken after Claimant's hearing request was submitted?

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP and MA recipient.
2. DHS sent Claimant notice of a closure of FAP and MA benefits.

3. DHS either stopped the closure or reinstated Claimant's FAP and MA following closure.
4. On 10/14/09, Claimant submitted a hearing request regarding the FAP closure.
5. On 10/30/09, Claimant submitted a hearing request regarding a notice of Medicaid closure.
6. Claimant has no issue with her FAP benefits, either in amount or coverage.
7. Claimant is dissatisfied with an action taken on Claimant's MA benefits in 1/2010.

#### CONCLUSIONS OF LAW

The Food Assistance Program, 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 ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("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 Tables ("RFT").

Under BAM 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. DHS 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. Under BAM 600, a hearing request may be dismissed when DHS corrects the disputed case action.

Claimant's testimony indicated that she is satisfied with the status of her FAP benefits. Claimant indicated that her FAP case is active and she expressed no dissatisfaction to any FAP benefits that she did or did not receive. It is found that Claimant's hearing request should be dismissed as there are no issues requiring administrative resolution.

Claimant expressed dissatisfaction regarding actions taken by DHS on Claimant's MA benefits. The actions taken by DHS on Claimant's MA benefits occurred after Claimant submitted her 10/30/09 hearing request. Issues appropriate for consideration by the undersigned include DHS actions taken prior to the hearing request, not actions that occur after the hearing request. Claimant's dissatisfaction with her MA benefits may be an issue appropriate for an administrative hearing but would require Claimant to submit a separate hearing request; one that was submitted after the adverse action taken by DHS.

Because Claimant does not object to any DHS actions taken prior to her original hearing request, Claimant's 10/30/09 request for hearing is dismissed. During the hearing, Claimant was encouraged to reapply for MA benefits including retroactive MA benefits for months where Claimant has unpaid medical bills.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant's 10/16/09 hearing request concerning closure of her FAP benefits is

DISMISSED. Claimant's 10/30/09 hearing request concerning her MA benefits is also DISMISSED.



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Christian Gardocki  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 3/30/2010

Date Mailed: 3/30/2010

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 date of the rehearing decision.

CG/jlg

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