

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 2010 20781
Issue No.: 4003/3008/2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 24, 2010
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Lynn 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 a hearing. After due notice, a telephone hearing was held on June 24, 2010. The claimant appeared and testified. [REDACTED], FIM and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in decreasing Claimant's FAP benefits because the claimant's earned income had increased due to overtime pay?

FINDINGS OF FACT

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

- (1) The Claimant was sent DHS redetermination forms on January 7, 2010.
- (2) The Claimant was scheduled to attend a redetermination interview but received the packet late and missed the appointment.
- (3) After missing the appointment the Claimant returned the form to the DHS office in person. The Claimant's worker was not available as she was on sick leave so the Claimant returned the completed redetermination form to another worker who gave her bank forms to fill out for checking account verification and a form for her landlord.

- (4) The Claimant turned all the forms in prior to the due date of January 31, 2010.
- (5) The Claimant took the form to her bank to return to the Department and the Department received the form from the Claimant's landlord.
- (6) The Department closed the Claimant's FAP, AMP and SDA for failure to complete the redetermination requirements and submit the necessary medical information and medical needs forms.
- (7) Claimant requested a hearing on February 8, 2010 contesting the closure of her benefits which was received by the Department on February 16, 2010.
- (8) The parties reached an agreement whereby the Department agreed to reinstate the Claimant's FAP, AMP and SDA retroactive to the date of closure. The Claimant agreed to provide and complete a redetermination form and provide the Department and additional information it requires as well as the medical information forms and Medical needs forms (Forms 54 and 49) by the dates requested by the Department.

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 CML 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).

The State Disability Assistance (SDA) Program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or Department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R400.3151-400.3180. Department policies are found in the Bridges Manual (BM) and Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BPRM). The Adult Medical Program (AMP) is available to individuals who meet all the eligibility factors in this item.

The Department of Community Health (DCH) will refer to this program as the Adult Benefit Waiver 1. Certain aliens are limited to coverage of emergency services. BEM640.

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 parties reached an agreement whereby the Department agreed to retroactively reinstate the Claimant's FAP, SDA and AMP cases retroactive to the date of closure. The Department shall complete the Claimant's redetermination and issue benefits retroactive to the date of closure if the Claimant is otherwise deemed eligible for any benefits she is otherwise entitled to receive. The Claimant agreed to fill out another redetermination form, a medical information form and medical needs form and provide the Department the necessary additional information, if any, it requires to complete the redetermination and determine continuing eligibility.

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 above findings of fact and conclusions of law, the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Therefore it is ORDERED:

- (1) The Department shall retroactively reinstate the Claimant's FAP, SDA and AMP cases retroactive to the date of closure.
- (2) The Department shall complete the Claimant's redetermination and issue a supplement for benefits retroactive to the date of closure that the Claimant was otherwise entitled to receive, if the Claimant is otherwise deemed eligible for benefits.

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- (3) The Claimant shall fill out another redetermination form, a medical information form and medical needs form as required by the Department by the dates requested by the Department unless an extension of time is necessary and is requested by the Claimant, and shall provide the Department the necessary additional information, if any, it requires to complete the redetermination and determine continuing eligibility



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

Date Signed: 07/07/2010

Date Mailed: 07/07/2010

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 of the rehearing decision.

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