

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: 2010-2326
Issue No: 2000, 3000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 12, 2009
Midland County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on November 12, 2009. Claimant appeared and testified. [REDACTED], claimant's wife, also appeared and testified. Sheryl Jammer, FIS, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly close claimant's Food Assistance Program (FAP) benefits and a deny claimant's Medical Assistance (MA) application for failure to provide verifications?

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 recipient of FAP benefits.
- (2) On July 28, 2009, claimant filed an application for MA benefits with the Midland County department office.

(3) On July 31, 2009, claimant's FAP case was transferred from the Saginaw County department office to the Midland County department office.

(4) On August 17, 2009, the department issued a Verification Checklist for claimant to provide additional documentation by August 27, 2009. (Department Exhibit 1, pgs. 17-18)

(5) Claimant returned all requested documentation with the exception of the pension verification. (Hearing Summary)

(6) The department mailed the Verification Checklist back to claimant with a note indicating that the pension information was still needed and granted an extension of the due date to September 10, 2009. (Department Exhibit 1, pgs. 19 and 25-26)

(7) Claimant did not provide the pension verification by September 10, 2009.

(8) On September 23, 2009, the department issued a notice of Case Action indicating the MA application as denied and the FAP benefits would close effective November 1, 2009 for failure to provide verification. (Department Exhibit 1, pgs. 20-24)

(9) On October 2, 2009, claimant filed a hearing request explaining that he was unable to provide verification of the pension by the due date because he was not yet receiving benefits and GM would not provide a statement to that effect. A copy of his first pension check was attached.

(10) At the hearing, the department agreed to reinstate the FAP benefits retroactive to the November 1, 2009 closure.

(11) At the hearing, the department further agreed to reinstate and reprocess the July 28, 2009 MA application and to obtain additional medical evidence to submit to the Medical Review Team.

(12) As a result of this agreement claimant indicated that he no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 (DHS or department) administers the FAP program pursuant to MCL 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).

Under Program 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, claimant is contesting the closure of his FAP benefits as well as the denial of his application for MA. At the hearing, the department agreed to reinstate the FAP benefits retroactive to the November 1, 2009 closure. The department further agreed to reinstate reprocess claimant's July 28, 2009 MA application and to obtain additional medical records to

submit to the Medical Review Team. 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 above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED that the department reinstate the FAP benefits retroactive to the November 1, 2009 closure. It is further ORDERED that the department reinstate and reprocess claimant's July 28, 2009 MA application, obtaining additional medical evidence to submit to the Medical Review Team, in accordance with this settlement agreement.

Colleen Lack

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 30, 2009

Date Mailed: November 30, 2009

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 mailing date of the rehearing decision.

CL/cv

cc:

