

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201037099
Issue No.: 2000, 3014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 5, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 August 5, 2010. The Claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's FAP benefits and MA benefits?

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) When Claimant's son [REDACTED] turned 22 the Department advised Claimant that she may apply for separate Food Assistance for [REDACTED].
- (3) Claimant's son [REDACTED] has not applied for Food Assistance as an individual.
- (4) Claimant requested a hearing on February 3, 2010 stating "Medicaid for [REDACTED] and food assistance".

- (5) Claimant's son [REDACTED] receives Supplemental Security Income and Medicaid. It was explained at hearing that his Medicaid benefit is a separate case and cannot be addressed in this hearing.

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 Program Reference Manual ("PRM").

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 Program Reference Manual (PRM).

Department policy explains when adult children must be included in the FAP group. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. BEM 212.

Claimant had questions regarding Food Assistance and whether her son could be eligible as an individual. It was explained at hearing that since Claimant's son is now 22 years old he may apply for Food Assistance as an individual. BEM 212. Claimant's son recently turned 22, the Department provided notice of Claimant's son potential eligibility on February 3, 2010.

Claimant had questions regarding her son's Medicaid coverage, it was explained that his Medicaid benefit is a separate case and cannot be addressed as part of this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly determined Claimant's FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED. Claimant's request for hearing as it relates to her son's Medicaid coverage is

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DISMISSED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 11, 2010

Date Mailed: August 11, 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 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.

AM/hw

cc:

