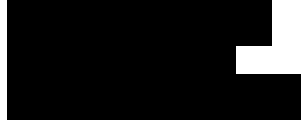


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-45346
Issue No: 2012-3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 4, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on November 4, 2010. The Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) fail to activate MA for Claimant's newborn son and add him to her FAP case?

FINDINGS OF FACT

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

1. On [REDACTED], the Claimant gave birth to her son. The Claimant contacted DHS within the following 2 days and notified the Department of the Child's birth and requested MA and he be added to her FAP group.
2. On April 26, 2010, the Claimant, again, requested her son be added to her FAP and MA be opened for him. The Claimant testified she provided a copy of his birth certificate and social security card to the Department.
3. On May 14, 2010, the Claimant received notice of the approval of MA for her son.
4. In June, the Claimant attempted to get her son vaccinated and discovered his MA case had been closed.
5. On July 12, 2010, the Claimant requested a 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 (DHS) 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).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

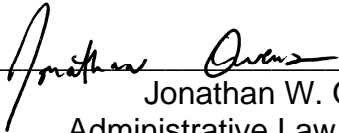
In the present case, the Department acknowledges the Claimant should have MA and FAP benefits for her child. The Department representative, who was not the worker at the time the Claimant requested the change, originally had activated MA coverage for the entire period in question. This same worker added the Claimant's baby to the FAP case effective September 2010. To date, no action has been taken to add the child to the Claimants case back to the date he was born.

The Department acknowledged the Claimant's son should have been added to the Claimant's FAP case when he was born with an effective date of April 1, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy when it failed to add the Claimant's new baby to her MA and FAP case. However, the Department has since remedied the MA case by retro actively adding the child back to date of birth.

The issue regarding the group size for FAP remains. The Department is ORDERED to recalculate FAP benefits adding the Claimant's son to her FAP group effective April 1, 2010 and supplement the Claimant for any loss in benefits.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/04/10

Date Mailed: 11/04/10

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.

JWO/dj

cc:

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