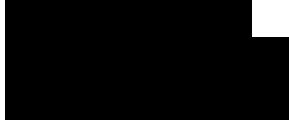


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-46243
Issue No.: 3015/2014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 2, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. 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 September 2, 2010. The claimant appeared and testified.

ISSUE

1. Whether the Department properly closed the Claimant's FAP case due to excess income?
2. Whether the Department properly denied the Claimant's Medical Assistance Application?

FINDINGS OF FACT

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

1. The Claimant was an ongoing FAP recipient and her FAP case was closed when the FAP budget was recalculated and it was determined that the FAP group had excess income and was not eligible to receive FAP benefits any longer.
2. The Claimant's FAP case closed as of June 30, 2010.
3. After the Department explained to the Claimant why her FAP case closed during the hearing, the Claimant agreed that she no longer wished to pursue that issue.

4. The Claimant applied for Medical Assistance for herself and her two children on April 23, 2010 and the Department denied the application on May 26 2010 for the alleged failure of the Claimant to return requested information.
5. The Claimant testified that she provided all the information that was requested of her.
6. The Department admitted that it did not send out a verification checklist and it did appear that the Claimant's application for Medical Assistance was improperly denied.
7. Previous to the hearing the Claimant and her group had unearned income of \$2,238.
8. The Department agreed that it would retroactively reinstate and reopen the Claimant's Medical Assistance application and properly determine the Claimant's eligibility as of the application date April 23, 2010 and will base its determination on the Claimant's income at that time.
9. Based upon the Department's agreement to reinstate the Claimant's medical application the Claimant no longer wished to proceed with the hearing and the parties agreed to settle the matter.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Medical Assistance (MA) program is established by the 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).

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 Department has agreed to reopen and reinstate the Claimant's Medical Assistance application retroactive to April 23, 20-10 and to properly determine whether the claimant and her family are eligible for Medical Assistance based upon the application and the income the Claimant was receiving at the time. If the Claimant is eligible the claimant is entitled to retroactive eligibility to the date of the application.

As a result of this agreement, Claimant indicated she 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, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's Medical Assistance application retroactive to April 23, 2010 and shall make a determination as to whether the Claimant was eligible for Medical Assistance at the time of her application.
2. If the claimant is deemed eligible for Medical Benefits, the Department shall retroactively supplement the Claimant's for medical assistance she is deemed eligible for.



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

201046243/LMF

Date Signed: 9/8/2010

Date Mailed: 9/8/2010

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.

LMF/jlg

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