

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.: 2010-49694
Issue Nos: 2000, 3000, 6019
Case No.: [REDACTED]
Hearing Date: December 9, 2010
DHS County: Wayne (82-57)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 December 9, 2010. Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services (Department).

ISSUE

Did the department properly process Claimant's application for Medical Assistance (MA) benefits, properly calculate claimant's Food Assistance Program (FAP) budget, and properly close Claimant's Child Development Care (CDC) 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 is an ongoing FAP and MA recipient.
2. Claimant was a CDC recipient.
3. Claimant's CDC case was closed in April of 2010.
4. At the hearing, the Department agreed to reprocess claimant's MA benefits retroactive to August 2010, to reprocess claimant's August 2010 FAP benefits and to reprocess claimant's CDC benefits from the April 2010 closure.
5. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The 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 administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105; MSA 16.490(15).

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 administers FAP pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015.

The CDC program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015.

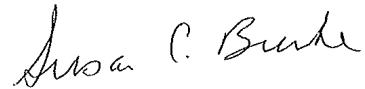
Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Under BAM Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continue through the day of the hearing.

In the present case, the Department has agreed to reprocess Claimant's MA benefits retroactive to August 2010, to reprocess claimant's August 2010 FAP benefits and to reprocess claimant's CDC benefits from the April 2010 closure. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since 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 reprocess Claimant's Medical Assistance benefits retroactive to August 2010, reprocess Claimant's August 2010 FAP benefits and reprocess Claimant's CDC benefits from the April 2010 closure in accordance with this settlement agreement.



Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 15, 2010

Date Mailed: December 20, 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.

SCB/pf

cc:

