

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: 2010-5152
Issue No: 2006-3008-
6019

Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 25, 2009
Oakland 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 January 25, 2009. Claimant appeared and testified.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA), Food Assistance Program (FAP) and deny Child Daycare (CDC) application?

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 October 5, 2009, Department denied the Claimant's request for CDC and sanctioned her MA and FAP case. These actions were taken by the Department based upon a child support sanction on the system. The Department fully acknowledged these actions were taken in error.

2. Prior to the hearing, the Department removed the sanction and re-activated MA and FAP benefits for the Claimant. No loss in benefits occurred.
3. On October 8, 2009 and October 19, 2009, the Claimant requested a 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 (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).

The Child Development and Care 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 of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

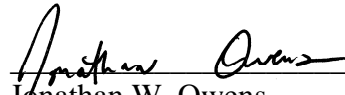
The Food Assistance Program (FAP)(formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS) administers the 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).

In the present case, the Claimant's case and application were negatively impacted by an incorrect child support sanction appearing on her case. The Department readily admitted they had incorrectly denied the CDC application and inappropriately processed the Claimant's FAP and MA case. The Department had corrected the error and opened the FAP and MA which prevented loss in benefits. The Claimant's CDC application was processed but the provider was ineligible and the Claimant supplied, according to her testimony, a new provider for consideration.

The Department, as stated above, was incorrect in their actions on the Claimant's case but has since remedied the errors.

Therefore, since the Department corrected the error, there remains nothing for this Administrative Law Judge to consider, therefore, this case is DISMISSED.


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

Date Signed: 04/06/10

Date Mailed: 04/06/10

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.

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cc:

