

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.: 2010-52926
Issue Nos.: 1002, 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 8, 2010
DHS County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on December 8, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

1. Whether Claimant is eligible for Medical Assistance (MA or Medicaid) from the Healthy Kids Program?
2. Whether Claimant applied for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits in April, 2010?

FINDINGS OF FACT

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

1. In 2010, Claimant received MA for her three children through the Healthy Kids Program.
2. On May 12, 2010, DHS sent Claimant a Healthy Kids Redetermination Notice requesting updated information.
3. June 1, 2010, was the due date for the Claimant to submit the Redetermination package.

4. Claimant failed to submit her Redetermination materials by June 1, 2010.
5. On June 18, 2010, DHS issued a Notice of Case Action informing Claimant that her Healthy Kids coverage would be terminated effective July 1, 2010.
6. On July 6, 2010, Claimant submitted the Redetermination packet to DHS.
7. On August 16, 2010, Claimant filed a Request for Hearing with DHS.
8. At the hearing on December 8, 2010, DHS agreed to provide Healthy Kids coverage retroactive to July 1, 2010.
9. Claimant stated at the hearing that she no longer wished to pursue the Healthy Kids issue as it was no longer necessary.
10. Claimant testified that she applied for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits in April, 2010.
11. There is no record of Claimant's FIP and FAP application.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10 *et seq.*, and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

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

At the hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will reopen Claimant's Healthy Kids case and provide Healthy Kids coverage retroactive to July 1, 2010. As the parties have reached a settlement agreement on this issue, it is not necessary for the Administrative Law Judge to adjudicate any issues presented. Therefore, based on the stipulated agreement of the parties, I order that

DHS shall reopen Claimant's Healthy Kids coverage and provide retroactive coverage to July 1, 2010.

I will next consider the Claimant's testimony that she applied for FIP and FAP benefits but never received them. FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601 *et seq.* DHS administers the FIP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' policies are found in BAM, BEM and RFT. *Id.*

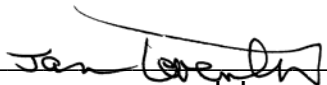
FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.*, and MACR 400.3001-400.3015. DHS' policies are found in BAM, BEM and RFT. *Id.*

I have considered all of the testimony and evidence in this case as a whole. Although Claimant testified that she made application for FIP and FAP benefits, there is no corroborating evidence in the record to substantiate her testimony. Based on the records before me I find there is insufficient evidence to establish that Claimant applied for FIP and FAP and, therefore, I cannot decide that such application was made. DHS is AFFIRMED and is not required to take further action with regard to Claimant's assertion.

In conclusion, as the parties have reached a settlement agreement regarding Claimant's Healthy Kids insurance, it is not necessary for me to rule on the issues presented. IT IS ORDERED that DHS shall reopen Claimant's Healthy Kids insurance coverage effective July 1, 2010. IT IS FURTHER ORDERED that DHS is AFFIRMED regarding the processing of an application for FIP and FAP benefits for Claimant, as Claimant could not prove she submitted an application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and on the stipulated agreement of the parties, finds that DHS is AFFIRMED as to it not having processed an application for FIP and FAP benefits for Claimant in April 2010. IT IS FURTHER ORDERED that DHS shall reopen Claimant's MA Healthy Kids coverage retroactive to July 1, 2010. This Order shall be implemented in accordance with all DHS policies and procedures.



J. Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 13, 2010

Date Mailed: December 14, 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.

JL/pf

cc:

