

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: 2011 11784

Issue No: 2000/3002

Case No: [REDACTED]

Hearing Date:

January 26, 2011

Wayne County DHS (55)

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 hearing. After due notice, a telephone hearing was conducted in Wayne County, Michigan on January 26, 2011. The Claimant was present and testified. Terrie Brown FIS Jet, Nicole Johnson, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly removed the Claimant from her FAP group due to non cooperation with Child Support.

Whether the Department properly closed the Claimant's groups Medica Assistance due to excess icome.

FINDINGS OF FACT

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

1. Although there was day care provider income budgeted in the various benefit budgets for the Claimant's CDC, only one payment was received in November 6, 2010.
2. The Department computer records showed the Claimant was in cooperation with child support, effective September 30, 2010.
3. The Claimant did not receive CDC for September and October 2010.
4. The claimant had a case review in October 2010. The Budgets were recalculated without the income the Claimant never received.
5. The claimant agreed she never got the Checks for September and October 2010.
6. The Department agreed to change the Claimant's income for FAP benefits for November and December 2010 by adding the Claimant back into the FAP group and to correct its records regarding the Claimant's cooperation with child support as of September 30, 2010.
7. The Department agreed to issue a manual issuance supplement for the Claimant's November and December FAP to place the Claimant back in her group for calculation of FAP benefits for those months. The Department will use the FAP benefit amount for January 2011 and agreed to issue a supplement for the difference between January benefits, and what the Claimant received for November and December 2010.
8. The Claimant agreed to re apply for State Emergency Relief (SER).
9. The Department also agreed to reinstate the Medical Assistance, effective January 1, 2011.

10. Based upon and as a result of the foregoing agreements by the Department to correct the Claimant's FAP benefits for November and December 2010 and reinstate the Medical Assistance for the Claimant's group, the Claimant indicated that she no longer wished to proceed with the remainder of the 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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 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 Reference Table (RFT).

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

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 correct the Bridges error with regard to Medical Assistance for the Claimant's group and to remove income that was not received so that the Claimant's group is eligible for medical assistance as of January 1, 2011. The Department also agreed to issue a manual supplement to the Claimant for FAP benefits for the months of November and December 2010. The Department agreed to reinstate the Claimant to her FAP group and to supplement the Claimant for FAP benefits she was otherwise entitled to receive based on the corrected benefit amount contained in FAP budget of January 2011.

The Claimant agreed that she would reapply for SER assistance and no longer wished to proceed with that issue.

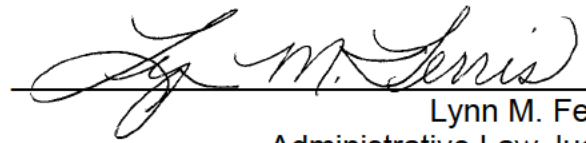
As a result of these agreements, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the 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 issue a manual FAP supplement for the months of November and December 2010 based on difference of the FAP benefits received by the Claimant for those months and the correct benefit amount as based upon the January 2011 FAP allotment receive by the Claimant..
2. The Department shall also reinstate the Claimant as a FAP group member as she was in compliance and cooperated with Child support as of September 30, 2010, within the period to demonstrate cooperation.
3. The Department shall reinstate the Claimant's Medical Assistance benefits as of January 1, 2011 for the Claimant and her children.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 02/10/11

Date Mailed: 02/16/11

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.

LMF/dj

cc:

