

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201115917  
Issue No.: 2006; 3008  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: February 23, 2011  
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 23, 2011. The Claimant personally appeared and testified.

**ISSUE**

Did the Department properly close the Claimant's Medical Assistance (MA), and reduce her Food Assistance (FAP)?

**FINDINGS OF FACT**

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

1. The Claimant applied for FIP in December 2009.
2. On December 1, 2010, the Department closed the Claimant's MA and removed her from the FAP group thus reducing the Claimant's FAP benefits, because the Claimant had been found to be noncooperative with the Office of Child Support (OCS).
3. On November 22, 2010, the Claimant filed a request for 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 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

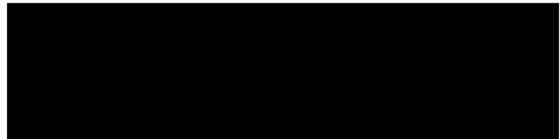
The Department received information that the Claimant had failed to cooperate with the Office of Child Support.

At the hearing the Claimant testified that she has been in cooperation.

The Office of Child Support was unavailable and therefore unable to provide any evidence, and there was no evidence of the Claimant's lack of cooperation presented at the hearing. I find the Claimant's testimony to be credible.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to reregister the Claimant's FIP application back to the December 1, 2010, closing date and replace any lost benefits if appropriate.



Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

201115917/MJB

Date Signed: May 27, 2011


Date Mailed: May 27, 2011


**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.

MJB/hw

cc:

  
Macomb County DHS (20)/ 1843

  
Administrative Hearings (2)