

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-25399

Issue No.: [REDACTED]

Hearing Date:

April 28, 2011

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 April 28, 2011. The claimant personally appeared and testified.

ISSUE

Whether the Department was correct in denying the claimant's application for Medical Assistance (MA), State Disability Assistance (SDA), and questioning his Food Assistance (FAP), allotment?

FINDINGS OF FACT

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

1. On [REDACTED], the claimant filed an application for MA and SDA.
2. On [REDACTED], the Medical Review Team (MRT) denied the claimant's application as not involving a disability that has or is expected to, last twelve (12) months.

3. On [REDACTED], 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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. 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).

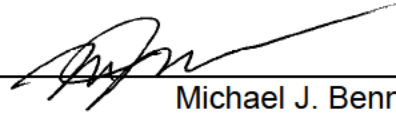
The claimant requested a hearing on the amount he receives in FAP. At the hearing the department stated that the claimant was now receiving the maximum FAP allotment. This was not challenged by the claimant, therefore the FAP issue is dismissed.

The department presented this case as one involving MA and SDA eligibility, not disability. The MA and SDA portions of this case should be settled with a disability hearing involving all of the medical documentation used by MRT. The claimant should understand that this case was misplaced as a benefits hearing and needs to be rescheduled for a full disability hearing.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, DISMISSES the FAP question as having been resolved and REVERSES and ORDERS the department to return to the MRT denial and

schedule a disability hearing.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 3, 2011

Date Mailed: June 3, 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 receipt 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

