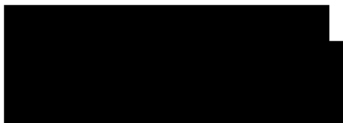


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-27113
Issue No.: 2009, 3015, 4031
Case No.: [REDACTED]
Hearing Date: May 9, 2011
DHS County: Macomb (20)

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; M SA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 9, 2011. The Claimant personally appeared and testified.

ISSUE

Whether the Department of Human Services (Department) was correct in denying the Claimant's application for Medical Assistance (MA), State Disability Assistance (SDA), and reducing his 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. On August 11, 2009, the Claimant filed an application for MA and SDA.
2. On September 25, 2009, the Medical Review Team (MRT) denied the Claimant's application.
3. On October 14, 2009, Claimant requested a hearing.
4. On February 4, 2010, Administrative Law Judge Jonathan W. Owens found the Claimant disabled and ordered the Department to proceed and activate his MA and SDA.
5. On February 3, 2011, the Claimant again filed a request for a hearing.

CONCLUSIONS OF LAW

The 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 (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 Program Reference Manual (PRM).

The SDA program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10 *et seq.* and MAC R 400.3151-400.3180. Department policies are found in BAM, BEM and PRM.

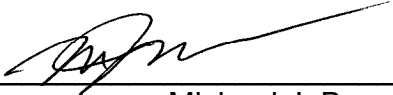
FAP [formerly known as the Food Stamp (FIS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department administers FAP pursuant to MCL 400.10 *et seq.* and MAC R 400.3001-3015. Department policies are found in BAM, BEM and PRM.

The Claimant requested a hearing on the amount of FAP benefits he receives. At the hearing, the Department stated that the Claimant's FAP allotment had been affected by his wife's employment income. This was not challenged by the Claimant. Therefore, the FAP issue is dismissed.

The Department presented this case as one involving MA and SDA disability. MRT denied the Claimant's claim, but on February 4, 2010, the Claimant took part in a hearing in which Administrative Law Judge Owens ruled in his favor. The Department has inexplicably ignored that decision and the Claimant still has not been activated for MA and SDA.

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 application date of August 11, 2009, and retroactively activate the Claimant's MA and SDA from that date.



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

Date Signed: June 17, 2011

Date Mailed: June 17, 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/cl

cc:

