

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. 2011-28676
Issue Nos. 2000, 3000
Case No. [REDACTED]
Hearing Date: May 31, 2011
[REDACTED]

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]'s request for a hearing. After due notice, a telephone hearing was held on May 31, 2011. The Claimant was present and testified at the hearing. [REDACTED], Eligibility Specialist, appeared and testified on behalf of the Department of Human Services (DHS).

ISSUES

1. Whether Claimant was cooperative with the Medical Assistance (MA or Medicaid) redetermination process?
2. Shall Claimant's Food Assistance Program (FAP) benefits claim be dismissed at her request?

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 2011 Claimant received MA and FAP benefits from DHS.
2. On February 14, 2011, DHS sent Claimant a Redetermination form for the MA program only, asking her to submit her current income and expenses. The due date for the information was March 1, 2011.

3. On March 1, 2011, Claimant received the Redetermination form, called DHS, and subsequently mailed the information to her DHS Specialist.
4. On March 19, 2011, DHS sent Claimant a Notice of Case Action informing her that her MA benefits would be closed effective May 1, 2011.
5. On April 5, 2011, Claimant filed a Hearing Request with DHS.
6. At the Administrative Hearing on May 31, 2011, DHS offered to reinstate Claimant's MA case, reprocess her Redetermination documents, and provide her with appropriate MA coverage effective May 1, 2011.
7. Upon hearing the DHS testimony, Claimant agreed and accepted the DHS offer and testified that she no longer wished to pursue her right to a hearing on this issue.
8. Also at the May 31, 2011 Hearing, Claimant testified she did not wish to dispute her FAP benefits, and requested that the Administrative Law Judge dismiss her FAP complaint.

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 MA 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 Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

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

Under BAM 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 minimum requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continue through the day of the hearing.

At the Administrative Hearing the parties agreed to resolve Claimant's MA claim with the solution that DHS will reinstate and reprocess Claimant's case, allowing her an

opportunity to submit Redetermination documentation for this purpose. Based on the Redetermination information, DHS will provide appropriate MA benefits to Claimant as of May 1, 2011. As the parties agreed to resolve their differences, it is not necessary for the Administrative Law Judge to issue a decision on the issue of Medicaid. With regard to Claimant's FAP dispute, as Claimant requested that the Judge dismiss this claim, I will honor her request.

In conclusion, based on the findings of fact, the conclusions of law, and the stipulated agreement of the parties to this case, I determine and conclude that DHS shall reinstate and reprocess Claimant's MA benefits in accordance with all DHS policies and procedures. I have also considered Claimant's request to dismiss her FAP claim, and I will grant her request.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact, the conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall reinstate and reprocess Claimant's MA benefits and determine her continuing eligibility as of May 1, 2011. In addition, IT IS HEREBY ORDERED that Claimant's FAP claim is dismissed at Claimant's request.

DHS shall conduct all actions in accordance with DHS policies and procedures.



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

Date Signed: June 9, 2011

Date Mailed: June 10, 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.

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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/cl

cc:

