

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-28862
Issue No.: 2018; 3000
Case No.: [REDACTED]
Hearing Date: June 23, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on June 23, 2011. Claimant's spouse and adult group member, [REDACTED] appeared and testified. [REDACTED] Assistance Payments Worker, and L. [REDACTED] Supervisor, appeared on behalf of the Department of Human Services (Department or DHS.)

ISSUE

Was the Department correct in determining the amount of Claimant's Food Assistance Program (FAP) benefits?

Was the Department correct in closing Claimant's Medical Assistance (MA) case?

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP and MA recipient.
2. Claimant's spouse and adult group member protested the amount of FAP benefits and the closure of Claimant's MA case.
3. At the hearing, the Department agreed to re-determine Claimant's FAP benefits, effective December 1, 2010, and ongoing, and issue any missed or increased benefits to Claimant in the form of a supplement.

4. As a result of the agreement, Claimant's spouse indicated she no longer requested a hearing regarding FAP.
5. Claimant's MA case was closed and reinstated retroactively until June 1, 2011 when Claimant's case was closed due to Claimant's daughter turning [REDACTED] years of age in [REDACTED].

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 CML 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 Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by the 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 Program Reference Manual (PRM).

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 Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the day of the hearing.

There are MA categories for clients who are:

- Age 65 or older, blind, or disabled.
- Pregnant or recently pregnant.
- Caretaker relatives of dependent children.
- Under age 21.
- Refugees.

BEM 640, p.1.

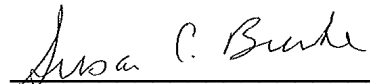
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In the present case, the Department has agreed to re-determine Claimant's FAP benefits, effective December 1, 2010, and ongoing, and issue any missed or increased benefits to Claimant in the form of a supplement. As a result of the agreement, Claimant's spouse indicated she no longer requested a hearing regarding FAP.

Claimant protested prior closure of MA, but Claimant's spouse testified at the hearing that the Department reinstated Claimant's MA retroactively with respect to her hearing request of March 5, 2011. Claimant's daughter turned [REDACTED] of age in [REDACTED] of 2011, so the Department was correct in closing Claimant's MA case as of June 1, 2011, as Claimant is no longer a caretaker of a minor child.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was correct in closing Claimant's MA case as of June 1, 2011, so it is ORDERED that its decision is AFFIRMED. It is also found that the Claimant and the Department have come to an agreement regarding Claimant's FAP case, so it is ORDERED that the Department re-determine Claimant's FAP benefits, effective December 1, 2010, and ongoing, and issue any missed or increased payments in the form of a supplement, in accordance with the settlement.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/27/11

Date Mailed: 6/27/11

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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.

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