

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-30396
Issue Nos.: 1000, 2000, 3000
Case No.: [REDACTED]
Hearing Date: May 18, 2011
DHS County: Wayne (82-15)

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] hearing request. After due notice, a hearing by telephone was held on May 18, 2011. Claimant appeared and testified at the hearing. [REDACTED]

[REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUES

Whether Claimant is eligible for Family Independence Program (FIP), Food Assistance Program (FAP), and Medical Assistance (MA or Medicaid) benefits?

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. On September 28, 2010, Claimant applied for FIP, FAP and MA benefits with DHS.
2. Claimant's address on her application was [REDACTED]
3. DHS provided FIP, FAP and MA benefits to Claimant.
4. On February 14, 2011, DHS sent a Redetermination request to Claimant at the [REDACTED] address.

5. Claimant did not live at this address, and she did not receive the Redetermination request.
6. Effective March 31, 2011, DHS terminated Claimant's FIP, FAP and MA benefits.
7. On April 13, 2011, Claimant filed a Request for Hearing with DHS.
8. At the Administrative Hearing on May 18, 2011, DHS offered to reinstate Claimant's FIP, FAP and MA cases, to permit her to submit her Redetermination documents and, if appropriate, to reinstate benefits to which she is entitled for April 2011, and from that date forward.
9. As a result of DHS' agreement to reinstate and process Claimant's Redetermination, Claimant testified she no longer wished to continue the Administrative Hearing.

CONCLUSIONS OF LAW

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 United States Code 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' 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 MACR 400.3001-400.3015. DHS' policies are found in BAM, BEM and RFT. *Id.*

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. DHS' policies are found in BAM, BEM and RFT. *Id.*

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

At the hearing, the parties agreed to resolve the situation with the remedy that DHS will reinstate and process Claimant's FIP, FAP and MA benefits retroactive to April 1, 2011,

allowing Claimant thereby to submit her Redetermination documents. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate the issues presented.

In conclusion, based on the above findings of fact, the conclusions of law, and the settlement agreement of the parties, IT IS ORDERED that DHS shall reinstate and process Claimant's FIP, FAP and MA benefits and supplement Claimant's benefits retroactively to April 1, 2011, in order to provide her with all benefits to which she is entitled. All steps shall be taken in accordance with DHS policy and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall reinstate and process Claimant's FIP, FAP and MA benefits retroactive to April 1, 2011, and provide any supplemental benefits to which Claimant is entitled in accordance with DHS policies and procedures.

IT IS SO ORDERED.



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

Date Signed: May 19, 2011

Date Mailed: May 19, 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/pf

cc:

