

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

IN THE MATTER OF:



Reg. No.: 201135509
Issue No.: 2000; 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 appeared and testified. [REDACTED] AP Supervisor, appeared on behalf of the Department of Human Services (Department or DHS.)

ISSUE

Was the Department correct in its decision to close Claimant's Food Assistance Program (FAP) case?

Was the Department correct in its decision to deny Claimant's Medical Assistance (MA) application?

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 requested a hearing on the closure of his FAP case.
- 2.) At the hearing, Claimant stated that he no longer requested a hearing on his FAP case as he is receiving benefits.
- 3.) Claimant's application for MA was denied on November 29, 2010 for failure to provide requested verifications.
- 4.) Claimant requested a hearing, protesting the denial of his MA application.

- 5.) At the hearing, the Department agreed to assist Claimant in his current application for MA.
- 6.) As a result of the agreement, Claimant indicated he no longer requested a hearing regarding MA.

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).

The regulations governing hearings and appeals for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code. MAC R 400.901-.951. MAC R 400.903 reads, in part:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department of Human Services [department] action resulting in suspension, reduction, discontinuance, or termination of assistance.

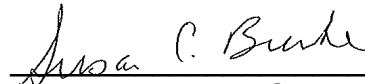
Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department 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.

201135509/SCB

In the present case, Claimant stated that he no longer requested a hearing regarding FAP, as he is currently receiving FAP benefits. In addition, the Department agreed to assist Claimant in his current application for MA. As a result of the agreement, Claimant no longer requested a hearing on MA.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that Claimant no longer requested a hearing on FAP, so it is therefore ORDERED that Claimant's request for hearing regarding FAP is DISMISSED. It is further found that the Department and Claimant have come to an agreement regarding MA. It is therefore ORDERED that the Department shall assist Claimant in his current application for MA, in accordance with the settlement agreement.



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

Date Signed: 6/27/11

Date Mailed: 6/27/11


201135509/SCB

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.

SB/sm

cc:

A large black rectangular redaction box covers the names and contact information of the recipients listed in the 'cc:' field.