

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-3690
Issue Nos.: 2000, 3000, 4000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 29, 2010
DHS County: Wayne (17)

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] request for a hearing. After due notice, a telephone hearing was held on November 29, 2010. Claimant appeared and testified. [REDACTED] appeared and acted as interpreter for Claimant. [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS properly processed Claimant's Food Assistance Program (FAP), Medical Assistance (MA or Medicaid) and State Disability Assistance (SDA) application?

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 August 9, 2010, Claimant applied for FAP, MA and SDA benefits with DHS.
2. On September 16, 2010, DHS issued a Medical Determination Verification Checklist with a return deadline of September 27, 2010.
3. On September 23, 2010, DHS issued a Verification Checklist with a return deadline of September 30, 2010.
4. On October 4, 2010, DHS denied Claimant's application.
5. On October 8, 2010, Claimant filed a notice of hearing request with DHS.

6. At the hearing on November 29, 2010, DHS determined that DHS error occurred and that Claimant's application shall be reopened and reprocessed.
7. At the hearing, Claimant, based on DHS' testimony, stated that he no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

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 (CFR). DHS administers the FAP program pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules (MACR) 400.3001-400.3015. 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.

SDA provides financial assistance for disabled persons and was established by 2004 Michigan Public Acts 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.*, and MACR 400.3151-400.3180. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). *Id.*

MA was established by Title XIX of the U.S. Social Security Act and is implemented by CFR Title 42. DHS administers the MA program pursuant to MCL 400.10 *et seq.*, and MCL 400.105. *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.

Prior to the close of the hearing, DHS agreed that DHS error had occurred and should be corrected. At the hearing, DHS agreed to do so. At this point in the hearing, Claimant stated he no longer wished to continue the hearing process and would accept DHS' decision to reopen and process his case.

Therefore, it is not necessary for the Administrative Law Judge to decide the matter in dispute. Pursuant to MACR 400.906 and 400.903, the settlement agreement of the parties to this case is HEREBY ORDERED to be the Order of the Administrative Law

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Judge in this case. IT IS ORDERED that DHS shall reopen and process Claimant's application for FAP, MA and SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, hereby decides that the parties to this action have entered into a settlement agreement whereby DHS will reopen and process Claimant's FAP, MA and SDA application. Based on the parties' stipulation, IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 30, 2010

Date Mailed: November 30, 2010

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.

JL/pf

cc:

