

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

IN THE MATTER OF:



Reg. No.: 2011-37479
Issue No.: 2003; 3000
Case No.: [REDACTED]
Hearing Date: September 7, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Susan 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 September 7, 2011 in Detroit, Michigan. Claimant appeared and testified. [REDACTED] AP Supervisor, represented the Department of Human Services (Department).

ISSUE

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

Did Claimant request a hearing regarding the Food Assistance Program (FAP) case in a timely manner?

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 a recipient of FAP until October of 2009.
2. Claimant was a recipient of MA until the Department closed Claimant's MA case, effective March 1, 2011, because she was no longer eligible for any open program.
3. Claimant was not aged, blind, disabled, pregnant or recently pregnant, caretaker relative of dependent children or a refugee at the time of the MA case closure.

4. Claimant requested a hearing on February 18, 2011 regarding FAP and 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

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

In the present case, Claimant stated that after her son moved from the home, she no longer was a caretaker of a dependent child and she met no other criteria listed in BEM 640 to be eligible for MA. In addition, the Adult Medical Program (AMP) was not open at the time of the closure of Claimant's MA case, March 1, 2011. Therefore, the Department's decision with regard to MA was correct.

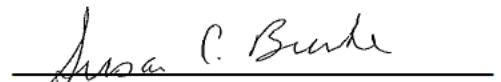
As to FAP, Claimant did not request a hearing for FAP within the requisite ninety day period after her FAP case was closed in October of 2009. See BAM 600, p. 4:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing.

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 its decision to close Claimant's MA case and it is therefore ORDERED that its decision regarding MA is AFFIRMED.

It is further ORDERED that Claimant's request for a hearing regarding FAP was not timely, and it is therefore ORDERED that the matter regarding FAP is DISMISSED.



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

Date Signed: 9/15/11

Date Mailed: 9/16/11

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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