

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-39144
Issue No.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: September 20, 2011
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, September 20, 2011. The Claimant appeared, along with [REDACTED] and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly terminated the Claimant's Medical Assistance ("MA") and Food Assistance ("FAP") benefits?

FINDINGS OF FACT

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

1. The Claimant is a MA and FAP recipient.
2. In April 2011, the Claimant's case was scheduled for review.
3. The Department did not complete the review process as required.

4. On June 16, 2011, the Department notified the Claimant that her MA and FAP benefits were scheduled for closure.
5. On June 20, 2011, the Department received the Claimant's timely written request for hearing.
6. In June 2011, the Department acknowledged their error and reinstated and supplemented the Claimant for lost benefits.

CONCLUSIONS OF LAW

The Medical Assistance program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. 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 Bridges Reference Tables ("RFT").

The Food Assistance Program, formerly known as the Food Stamp 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. The Department of Human Services, formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq.* and MAC R 400.3001-3015. Departmental policies are found in the BAM, BEM, and RFT.

In this case, the Department acknowledged that it improperly terminated the Claimant's MA and FAP benefits. Upon discovering its error, the Department reinstated the Claimant's benefits to include supplementing her for lost benefits. The Claimant agreed that the Department resolved the issues contained in her June 20, 2011 hearing request. As a result of the foregoing, there is no issue that needs to be adjudicated.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly remedied the improper MA and FAP closure and supplemented the Claimant accordingly.

2011-39144/CMM

It is ORDERED:

The Claimant's Request for Hearing is DISMISSED as all issues raised in the June 20, 2011 hearing request are resolved.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 20, 2011

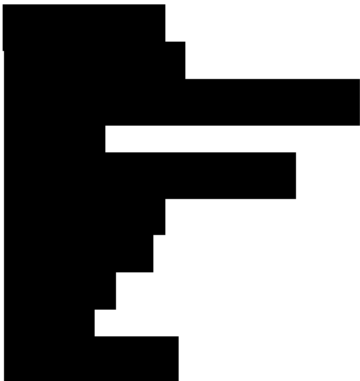
Date Mailed: September 20, 2011

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.

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.

CMM/cl

cc:

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