

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-42629  
Issue Nos.: 2006, 3015  
Case No.: [REDACTED]  
Hearing Date: August 31, 2011  
DHS County: Oakland (63-02)

**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, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a telephone hearing was held on August 31, 2011, in Detroit, MI. Claimant appeared and testified at the hearing. [REDACTED]

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

**ISSUE**

Whether DHS terminated Claimant's Food Assistance Program (FAP) and Medical Assistance (MA or Medicaid) benefits in accordance with DHS policies and procedures?

**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. In 2011, Claimant received FAP and MA benefits from DHS.
2. On March 17, 2011, DHS issued a Notice of Case Action closing Claimant's FAP effective April 1, 2011, because his group's countable income exceeded the program's income limits.
3. On May 17, 2011, DHS sent Claimant an MA Redetermination application form requesting current information.

4. On June 17, 2011, DHS issued a Notice of Case Action closing Claimant's MA benefits effective July 1, 2011, because he failed to return the Redetermination application form.
5. On June 28, 2011, Claimant filed a Request for a Hearing with DHS.

### **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. DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 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](http://www.michigan.gov/dhs-manuals).

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the U.S. 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.*

At the Administrative Hearing on April 27, 2011, Claimant testified that he provided documentation to DHS that his son, who is a group member, lost his job and was no longer employed,. Claimant further testified that he provided the Redetermination information to DHS. However, Claimant presented no proof, other than his sworn testimony at the hearing, that he provided these items of documentation. At the hearing, DHS reviewed the entire case file and found no record of either such document. Based on this record, it is found that there is insufficient evidence to establish that the income change was reported and the completed Redetermination form was submitted to DHS.

In conclusion, based on the findings of fact and conclusions of law, it is found and concluded that DHS correctly terminated Claimant's FAP based on his group income and Claimant's MA based on his failure to provide requested information. DHS is AFFIRMED. DHS need take no further action in this case.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that DHS is AFFIRMED in this case. DHS need take no further action in this matter.



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

Date Signed: September 1, 2011

Date Mailed: September 1, 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.

JL/pf

cc:

