

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-43107
Issue Nos.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: August 24, 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 25, 2011, in Detroit, MI. Claimant was present and testified at the hearing. [REDACTED]

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

ISSUE

Whether Claimant was cooperative with the Food Assistance Program (FAP) and Medical Assistance (MA or Medicaid) Adult Medical Plan (AMP) Redetermination process?

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 MA and AMP benefits from DHS.
2. On May 4, 2011, DHS sent Claimant a Redetermination application form, asking him for his current income and expenses.
3. Claimant is paid \$200 per month cash on the first day of the month. He lives with his employer, for whom he does work around the house. The employer became ill and could not write a verification letter for Claimant.

4. Claimant was paid \$200 on May 1 and on June 1, 2011, in cash. He does not have receipts.
5. On June 1, 2011, DHS sent Claimant a Verification Checklist, requesting current income information from Claimant and giving a deadline of June 13, 2011, to submit verification documents.
6. From about [REDACTED], Claimant was hospitalized.
7. On June 15, 2011, DHS sent Claimant a Notice of Case Action terminating his FAP and AMP benefits retroactive to June 1, 2011.
8. On June 27, 2011, Claimant filed a Request for a Hearing with DHS.
9. On August 9, 2011, Claimant's employer died.
10. At the Administrative Hearing on August 25, 2011, DHS offered to reinstate Claimant's FAP and AMP cases effective June 1, 2011, and provide him with appropriate supplemental retroactive FAP and AMP benefits.
11. Upon hearing the DHS testimony, Claimant agreed and accepted the DHS offer and testified he no longer wished to pursue his right to a 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. 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.

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10 *et seq.* and MCL 400.105. AMP was established by Title XXI of the Social Security Act, Sec. (1115)(a)(1), and is administered by DHS pursuant to MCL 400.10 *et seq.* DHS' policies are found in BAM, BEM and RFT. *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.

At the Administrative Hearing, the parties agreed to resolve Claimant's FAP and AMP claims with the solution that DHS will reinstate and reprocess Claimant's FAP and AMP effective June 1, 2011. As the parties agreed to resolve their differences, it is not necessary for the Administrative Law Judge to issue a decision on the issues presented in this case.

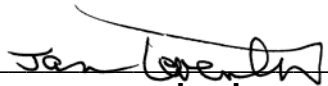
In conclusion, based on the findings of fact, the conclusions of law, and the stipulated agreement of the parties to this case, it is determined and concluded that DHS shall reinstate and reprocess Claimant's FAP and MA-AMP benefits effective June 1, 2011, in accordance with all DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact, the conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall:

1. Reinstatement and initiate reprocessing of Claimant's FAP and MA effective June 1, 2011;
2. Initiate procedures to provide supplemental retroactive FAP and AMP payments to Claimant in order to restore him to the benefit level to which he is entitled.

DHS shall conduct all actions in accordance with DHS policies and procedures.



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

Date Signed: August 29, 2011

Date Mailed: August 29, 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

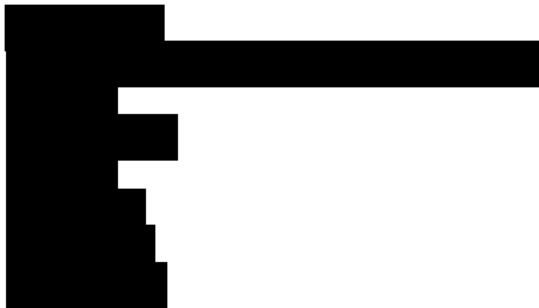
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reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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:

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