

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

IN THE MATTER OF:



Reg. No.: 2011-46108
Issue No.: 2026; 6015; 3000
Case No.: [REDACTED]
Hearing Date: August 31, 2011
Wayne 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 August 31, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department did not appear, although the Department did have notice of the three-way phone conference via e-mail. It is noted that the hearing began well after the thirty-minute allowance period.

ISSUE

Was the Department correct in its calculation of Claimant's Medical Assistance (MA) deductible?

Was the Department correct in its decision to close Claimant's Child Development and Care (CDC) case due to refusal to cooperate with the Department?

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 an ongoing recipient of MA and CDC.
2. The Department determined that Claimant was subject to a deductible of \$300.00, effective August 1, 2011.
3. The Department closed Claimant's CDC case on May 31, 2011 due to refusal to cooperate with the Department.

4. Claimant requested a hearing on July 12, 2011, protesting the amount of the MA deductible and the closure of her CDC case.
5. Claimant also requested a hearing on FAP, but at the hearing, Claimant stated that she was satisfied with the amount of FAP benefits she is currently receiving, and the Department's Hearing Summary noted that a negative action was not taken on Claimant's FAP case.

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 400.10, *et seq.*, and MCL 400.105. Department policies are found in BAM, BEM and PRM.

The CDC program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in BAM, BEM and PRM.

In the present case, the Department determined that Claimant was subject to a deductible of \$300.00, effective August 1, 2011. However, the Department did not substantiate that figure in its proposed exhibits. In addition, the Department closed Claimant's CDC case on May 31, 2011 due to Claimant refusing to cooperate with the Department in not returning a Redetermination packet. However, the Notice of Redetermination was not included in the Department's proposed exhibits, nor was any other evidence submitted which would prove that the Department was correct in its decision to close Claimant's CDC case.

It is noted that Claimant also requested a hearing on her Food Assistance Program (FAP) case, but Claimant stated at the hearing that she continues to receive the same

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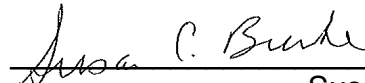
amount of FAP benefits as she had previously, and the Department indicated in its case summary that no negative action was taken on Claimant's FAP case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was not correct in its calculation of Claimant's MA deductible and not correct in its decision to close Claimant's CDC case, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall:

- 1.) Initiate recalculation of Claimant's MA deductible, effective August 1, 2011.
- 2.) Initiate reinstatement of Claimant's CDC case, effective May 31, 2011.
- 3.) Issue CDC supplements from May 31, 2011 and ongoing if Claimant is found to be otherwise eligible for CDC.

It is further ORDERED that Claimant's request for hearing on FAP is DISMISSED pursuant to BAM 600.



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

Date Signed: 9/8/11

Date Mailed: 9/8/11

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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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