

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED] Case
[REDACTED]
March

Reg
Issue
Hearing

No: 2011-17988
No: 3008, 2006
No: [REDACTED]
Date:
3, 2011
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 held in Detroit, Michigan on March 3, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department's determination to reduce the Claimant's Food Assistance (FAP) benefits, removing her four children from her FAP group correct.

Was the Department's determination to close the Claimant's Medical Assistance case for failure to verify proof that her children living with her correct.

FINDINGS OF FACT

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

- (1) The Claimant was a FAP and a MA recipient along with her 4 children.

- (2) On February 1, 2011, the Department reduced the Claimant's FAP group to one member, reducing her FAP benefits, and closed the Claimant's CDC case because the Claimant did not submit the requested verifications that her two school age children were attending school to demonstrate that they were living with her in her home. Exhibit 2
- (3) On January 1, 2011, the Department closed the Claimant's Medical Assistance (MA) case and the MA cases of her 4 children based on information that it received that the Claimant's children were not living with her. Exhibit 1
- (4) At the hearing, it was determined that the Claimant lost her employment on December 15, 2010 and is no longer eligible for CDC benefits.
- (5) At the hearing, the Department agreed to reinstate the Claimant's FAP benefits and to include in the calculation of the Claimant's FAP benefit group, two of the Claimant's non school age children that the Claimant testified lived with her retroactive to February 1, 2011, the date the benefits were reduced.
- (6) In addition, the Department agreed to reinstate the Claimant's other two school age children [REDACTED] as soon the Claimant provides proof that the children are attending school on the forms it has provided to the Claimant to be completed by the School the children are attending.
- (7) The Department further agreed to reinstate the Claimant' medical assistance for the Claimant and her two non school age children retroactive to the date of closure, January 1, 2011, and to reinstate

medical assistance for the Claimant's two school age children [REDACTED]
[REDACTED] when it receives verification that they are attending school and the completed forms filled out by the school the children are attending.

- (8) The Claimant agreed and understood that if she does not provide the Department verification that her children are attending school to establish that they are living with her, the Department is under no obligation to include those children as members of the Claimant's FAP group for purposes of calculating the FAP benefits.
- (9) The Claimant further understood that the Department is under no obligation to provide medical assistance benefits to the two school age children without proof that the children are residing with the Claimant and attending school as demonstrated by forms completed by the school attended by the children.
- (10) Based upon the foregoing understandings and agreements regarding the Department's agreements regarding the FAP group and medical assistance for her non school age children and the requirements that the Claimant's is to submit proof of school attendance regarding her two school age children, the Claimant indicated that she no longer wished to proceed with the remainder of the hearing.

CONCLUSIONS OF LAW

The Food Assistance Program, 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 (“DHS”), formally 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 Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

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 the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client’s concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the parties reached an agreement whereby the Department agreed to afford the Claimant a further opportunity to submit proof that her two school age children were attending school so that it could be established that they were living with her. Upon receipt of the completed forms from the Claimant verifying that the children were attending school, the Department agreed to reinstate the children to the Claimant’s FAP group and recalculate the FAP benefits accordingly. The Department

further agreed to reinstate medical assistance for her two school age children when verification of school attendance was received.

The Department further agreed that it would reinstate her two non school age children to the Claimant's FAP group as of February 1, 2011, the date of the FAP case closure and to recalculate the FAP benefits accordingly and issue a supplement.

The Department also agreed to reinstate Medical Assistance benefits for the Claimant and the Claimant's non school age children retroactive to January 1, 2011 when the Medical Assistance case closed.

As a result of these agreements, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. The Department and Claimant having reached a settlement regarding Claimant's request for a hearing, this Administrative Law Judge is not required to issue a decision.

Therefore, it is ORDERED:

1. The Department shall provide the Claimant with the necessary forms to be filled out by the school that her two school age children [REDACTED] attend.
2. The Department shall reinstate the Claimant's two non school age children to the Claimant's FAP group and recalculate the FAP benefits as of

February 1, 2011, and issue any FAP supplement the Claimant is otherwise entitled to receive.

3. The Department shall reinstate the Claimant's two non school age children's Medical Assistance benefits, effective January 1, 2011.
4. The Department shall reinstate the Claimant's two school age children to the Claimant's FAP group as soon as it receives completed forms demonstrating that the children are attending school. The Department shall recompute the Claimant's FAP benefits to include the two children as FAP group members and adjust the FAP benefits accordingly.
5. The Department shall reinstate the Claimant's two school age children's Medical benefits as soon as it receives completed forms demonstrating that the children are attending school.
6. If the Claimant does not return the school attendance forms for her two school age children, [REDACTED] within 10 days of this order, the Department shall be under no obligation to reinstate the children to the Claimant's FAP group or reinstate their Medical Assistance benefits.

Administrative
For
Department



Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/17/11

Date Mailed: 03/21/11

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.

LMF/dj

cc:

