

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-25189
Issue No: 3004
Case No: [REDACTED]
Hearing Date:
April 14, 2011
Macomb County DHS (36)

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 on April 14, 2011. The Claimant appeared and testified. The Claimant's son, [REDACTED] appeared as an interpreter and the authorized hearing representative for the Claimant. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's applications for Food Assistance (FAP) and Medicaid benefits.

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 applied for medical assistance and food assistance on January 11, 2011. The claimant's application for food assistance was denied on February 4, 2011, because the verifications were not received.

2. At the hearing, the Department agreed that it had denied the Claimant's FAP application in error and agreed to reinstate and reprocess the application retroactive to the date of the application and to determine the claimant's eligibility for food assistance and correct any errors regarding receipt of unemployment compensation income.
3. At the hearing, the Department and the claimant agreed that the Claimant's application for medical assistance, based upon disability, was acted upon by the Department. The application is currently pending review by the Medical Review Team.
4. The Department and the claimant agreed that there was no further action that could be taken by the Department, at this time, on Claimant's Medical Assistance disability application, until it received a determination from the medical review team. Therefore, the claimant agreed that she did not wish to further pursue her hearing regarding her application for medical assistance and understood the actions taken by the Department.
5. The claimant requested a hearing on February 4, 2011, protesting the Department's actions regarding her Medical Assistance -- Disability application and her food assistance. The Department received the claimant's hearing request on February 11, 2011.

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").

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 reopen and reinstate the claimant's Food Assistance application dated January 11, 2011 and to reprocess the application to determine the Claimant's eligibility for FAP benefits and to correct the amount of unemployment income based on current information. 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 Department and Claimant have come to a settlement regarding claimant's request for a hearing and, based upon the Findings of Fact and Conclusions of Law, therefore it is ORDERED:

1. The Department shall reopen and reinstate the claimant's FAP application dated January 11, 2011, and shall determine the Claimant's eligibility for FAP benefits as of the date of the application.
2. The Department shall correct the amount of unemployment benefits received based on current information available to it.
3. The department shall issue a FAP supplement to the Claimant for FAP benefits the Claimant is otherwise entitled to receive.

4. The Claimant's request for hearing regarding the denial of her Medicaid application of January 11, 2011, is dismissed as the application has been reinstated and is pending before the MRT.


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

Date Signed: 05/16/11

Date Mailed: 05/18/11

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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:

