

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-28867
Issue Nos.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: May 11, 2011
DHS County: Macomb (50-36)

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 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on May 11, 2011. Claimant appeared and testified at the hearing. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUES

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

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. Prior to February 2011, DHS provided FAP and MA benefits to Claimant.
2. Effective February 1, 2010, DHS terminated FAP benefits but continued to provide MA to Claimant.
3. On March 10, 2011, Claimant filed a Request for a Hearing with DHS.

4. At the Administrative Hearing on May 11, 2010, DHS offered to reinstate FAP benefits to Claimant effective February 1, 2011, and pay any appropriate retroactive supplements to Claimant.
5. As a result of DHS' offer, Claimant testified that she no longer wished to continue with the Administrative 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 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.*

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.

In this case, the parties stipulated to a settlement agreement whereby DHS will reinstate Claimant's FAP benefits effective February 1, 2011, and provide her with any appropriate adjustment and supplements retroactively. The parties also agree that Claimant's MA benefits were not affected and DHS will continue to provide MA on an ongoing basis.

As the parties have reached an agreement, it is not necessary for the Administrative Law Judge to decide the issue presented in this case.


DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, and the agreement of the parties, states that IT IS ORDERED that DHS shall reinstate Claimant's FAP benefits beginning February 1, 2011, and continuing, and

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provide any appropriate retroactive supplements to her. IT IS FURTHER ORDERED that MA, which Claimant currently receives, shall be continued on an ongoing basis.

All steps shall be taken in accordance with DHS policies and procedures.



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

Date Signed: May 12, 2011

Date Mailed: May 16, 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:

