

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-31145
Issue Nos.: 1000, 2000,
3000, 6000
Case No.: [REDACTED]
Hearing Date: May 25, 2011
DHS County: Macomb (50-12)

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 25, 2011. Claimant appeared and testified. [REDACTED] appeared and testified as a witness for Claimant. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS properly conducted a Redetermination of Claimant's Family Independence Program (FIP), Medical Assistance (MA or Medicaid), Food Assistance Program (FAP), and Child Development and Care (CDC) 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. In 2010, Claimant received FIP, FAP, MA and CDC benefits.
2. On January 3, 2011, DHS sent Claimant a Redetermination application requesting updated information about Claimant's income and expenses.
3. Claimant's former employer returned incomplete verification to DHS of Claimant's last day worked.

4. On January 19, 2011, DHS sent Claimant a Notice of Case Action closing all of her benefits except for Medicaid coverage for her children.
5. On January 24, 2011, Claimant filed a notice of request for hearing with DHS.
6. At the Administrative Hearing on May 25, 2011, after Claimant testified as to her last day of work, DHS offered to reinstate all of Claimant's benefits back to their closure date, permit Claimant to participate in the Redetermination process, and provide her with all supplemental retroactive benefits to which she is entitled.
7. At the hearing, Claimant testified that she agreed with and accepted DHS' offer and no longer wished to continue with the hearing process.

CONCLUSIONS OF LAW

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 United States Code 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by federal regulations in Title 7 of the Code of Federal Regulations (CFR). DHS administers FAP pursuant to MCL 400.10 *et seq.* and MACR 400.3001-400.3015. DHS' policies are found in BAM, BEM and RFT. *Id.*

MA was established by Title XIX of the U.S. Social Security Act and is implemented in CFR Title 42. DHS administers the MA program pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in BAM, BEM and RFT. *Id.*

CDC was established by Titles IVA, IVE and XX of the Social Security Act, the U.S. Child Care and Development Block Grant of 1990, and the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by CFR Title 45, Parts 98 and 99. DHS provides services to adults and children pursuant to MCL 400.14(1) and MACR 400.5001-400.5015. DHS' policies are contained in BAM, BEM and RFT. *Id.*

The DHS manuals are the policies and procedures DHS officially created for its own use. While the manuals are not laws created by Congress or the Michigan State Legislature, they constitute legal authority which DHS must follow. It is to the manuals

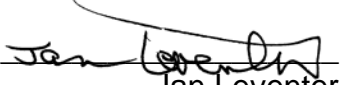
that I look now in order to see what policy applies in this case. After setting forth what the applicable policies are, I will examine whether they were in fact followed in this case.

Under BAM Item 600, "Hearings," 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 January 3, 2011, Redetermination application and recalculate her eligibility for FIP, MA, FAP and CDC benefits based on her verified unearned income of zero (\$0.00). 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

Based on the findings of fact and conclusions of law above and the stipulated settlement agreement of the parties, IT IS HEREBY ORDERED that DHS shall reinstate and reprocess Claimant's Redetermination for FIP (including JET), FAP, MA and CDC benefits and provide Claimant with any supplemental retroactive benefits to which she is entitled. 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: June 2, 2011

Date Mailed: June 2, 2011

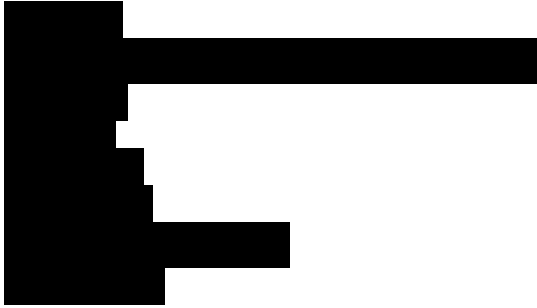
NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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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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