

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-31698
Issue Nos.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: May 26, 2011
DHS County: Oakland (63-03)

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 26, 2011. Claimant did not appear. [REDACTED], Claimant's Authorized Representative, appeared and testified at the hearing. [REDACTED], and [REDACTED] [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 provided Medical Assistance (Medicaid or MA) benefits to Claimant in accordance with its policies and procedures?

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 December 2010, DHS provided FAP and MA benefits to Claimant.
2. On April 4, 2011, DHS issued a Notice of Case Action terminating Claimant's FAP benefits effective May 1, 2011.
3. On April 15, 2011, Claimant filed a Request for a Hearing with DHS, regarding both FAP and MA benefits.

4. At the Administrative Hearing on May 26, 2011, DHS offered to reinstate and recalculate Claimant's FAP benefits from May 1, 2011, to the present, if and when Claimant produces his 2010 IRS tax return or other satisfactory verification of his 2010 income.
5. Claimant accepted this offer and testified he no longer wished to continue the Administrative Hearing.
6. Also at the Administrative Hearing, Claimant testified he is satisfied with DHS' action with regard to Medicaid, and he no longer wishes to pursue his right to a hearing on this issue.

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, "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 regarding Claimant's FAP benefits, i.e., that if and when Claimant produces his 2010 IRS tax return or other suitable verification of his 2010 income, DHS will reinstate and reprocess Claimant's FAP benefits from May 1, 2011, to the present, and provide Claimant with any supplemental benefits to which he is entitled. As the parties have reached an agreement, it is not necessary for the Administrative Law Judge to decide the issue presented in this case.

Also, Claimant no longer wishes to pursue his Medicaid claim at this hearing, and this claim therefore shall be dismissed.

In conclusion, based on all of the findings of fact and conclusions of law and the stipulated agreement of the parties, I HEREBY ORDER that if and when Claimant produces his 2010 IRS tax return or other suitable verification of his 2010 income, DHS agrees to reinstate and reprocess Claimant's FAP benefits as of May 1, 2011, and provide appropriate supplemental benefits if necessary. I ALSO ORDER that Claimant's MA claim is dismissed as an issue in this Administrative Hearing. DHS need take no action at this time.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the settlement agreement of the parties, orders the following settlement in this case: IT IS ORDERED that DHS agrees to reinstate and reprocess Claimant's FAP benefits if and when Claimant produces his 2010 IRS income tax return or other suitable verification of his 2010 income. IT IS FURTHER ORDERED that Claimant's MA claim is DISMISSED.

DHS need take no further action at this time. IT IS SO ORDERED.



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

Date Signed: June 2, 2011

Date Mailed: June 8, 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:

