

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-38895
Issue No: 2026/3002/1021

[REDACTED]

1
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on June 8, 2011. After due notice, a telephone hearing was held on July 26, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly determined Claimant's Family Independence Program (FIP), Food Assistance Program (FAP) benefits and Claimant's Medical Assistance (MA) deductible?

FINDINGS OF FACT

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

1. Claimant was receiving FIP, FAP and MA at all times pertinent to this hearing. (Hearing Summary).
2. On June 9, 2011, the department mailed Claimant a Notice of Case Action informing him that his FIP would continue at [REDACTED] a month for a household of 4; his MA deductible would be \$ [REDACTED] beginning June 1, 2011 and his FAP benefit was decreased to [REDACTED] a month beginning July 1, 2011. (Department Exhibits 22-26).
3. Claimant timely submitted a hearing request protesting the changes in his FIP, FAP and MA programs. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Food Assistance Program (FAP) (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 or Department) administers the FIP and FAP programs pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131 and MCL 400.10, *et seq.*, and MAC R 400.3001-3015 respectively. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by 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 (DHS or department) 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 Reference Tables Manual (RFT).

In this case, Claimant requested a hearing regarding his MA deductible and FIP and FAP benefits. Specifically, Claimant wanted to know why he had been changed to an MA deductible when his income had not changed, why his FIP benefits reflected a group of four when he had a household of six, and why his FAP benefits for a group of six had decreased.

The department provided a JET worker to conduct the hearing. The Hearing Summary, Notice of Case Action, FIP and MA deductible budgets were not in the file. A recess was granted while the JET worker went in search of a supervisor. The JET worker returned after ten minutes reporting he and his supervisor were unable to find the current Hearing Summary. The JET worker borrowed Claimant's copy of the Hearing Summary and the hearing proceeded.

However, the JET worker had no personal knowledge of the case and without the missing documentation, could not answer Claimant's questions or show how Claimant had now been determined to have an MA deductible. The JET worker was instructed to fax over the FIP and MA deductible budgets at the close of the hearing and failed to do so.

Due to the lack of documentation supporting Claimant's MA deductible or the changes in Claimant's FIP and FAP benefits, the case is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly determined Claimant's MA deductible and his FIP and FAP benefits.

Accordingly, the department's actions are REVERSED and the department shall redetermine Claimant's MA deductible and his FIP and FAP benefits.

It is SO ORDERED.

_____/s/_____
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 8/2/11

Date Mailed: 8/2/11

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 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.

VLA/ds

