

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-45478
Issue No. 2018, 3019
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: September 8, 2011
Oakland County DHS (02)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, September 8, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly terminated the Claimant's medical ("MA") and food ("FAP") benefits?

FINDINGS OF FACT

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

1. The Claimant was a MA and FAP recipient.
2. On or about June 8, 2011, the Department terminated the Claimant's benefits in error.
3. The Department was unable to reinstate FAP and MA coverage.
4. On June 28, 2011, the Department received the Claimant's timely written request for hearing.

5. On July 18, 2011, the Department submitted a Help Desk ticket in order to resolve the improper closure.
6. As of this date, the error has not been fixed and the Department has been unable to supplement the Claimant for lost benefits.

CONCLUSIONS OF LAW

The Medical Assistance program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. The Department of Human Services, formerly known as the Family Independence Agency, 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 Bridges Reference Tables ("RFT").

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. The Department of Human Services administers the FAP program pursuant to MCL 400.10 *et seq.* and the Michigan Administrative Code Rules 400.3001- 3015. Department policies are found in the BAM, BEM, and RFT.

In this case, the Department agreed that the Claimant's MA and FAP benefits were terminated in error. After receipt of the hearing request, the Department submitted a Help Desk ticket in order to remedy the situation. As of this date, the error has not been corrected nor has the Department been able to supplement for lost benefits. In light of the foregoing, the Department's termination of MA and FAP benefits is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department's termination of MA and FAP benefits is not upheld.

Accordingly, it is ORDERED:

1. The Department's closure of MA and FAP benefits is not upheld.
2. The Department shall reinstate the Claimant's MA and FAP benefits from the date of closure in accordance with Department policy.

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3. The Department shall supplement for lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 13, 2011

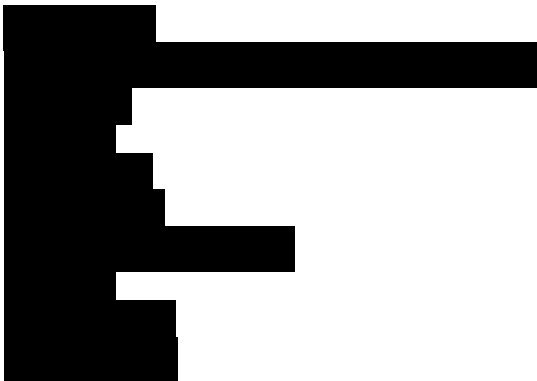
Date Mailed: September 13, 2011

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.

CMM/cl

cc:

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