

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201150106
Issue No.: 2001, 3008
Case No.: [REDACTED]
Hearing Date: October 11, 2011
County: Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 11, 2011, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department properly denied Claimant's application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

I find as material fact, based upon the competent, material, and substantial evidence on the whole record:

1. On November 23, 2010, the Claimant applied for FAP and MA benefits.
2. On November 23, 2010, the Department gave the Claimant a Verification Checklist (DHS-3503) to return by December 3, 2010.
3. On January 20, 2011, the Department denied the Claimant's application for FAP and MA benefits.
4. On January 20, 2011, the Department sent the Claimant notice of the denial.
5. On January 20, 2011, the Claimant filed a hearing request, protesting the denial.

6. As of November 23, 2010, the Claimant was working; not disabled; and not receiving Social Security Income (SSI).

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The MA program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Based on the testimony and the exhibits presented, I do find the Department acted properly in denying the Claimant's application for FAP benefits as the Claimant did not return the necessary verification forms to verify his income.

However, both the hearing packet and the testimony regarding the Department's reasons why they denied the Claimant's MA application was seriously lacking. Not a single exhibit was produced regarding the MA denial. And furthermore the Department was unable to articulate the specific MA programs considered for the Claimant and the reasons for their denial. Therefore, I have no choice but to find the Department did not act properly in denying the Claimant MA benefits.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, find the Department acted properly in denying the Claimant's application for FAP benefits but did not act properly in denying the Claimant MA benefits.

Accordingly, the Department's decision is **AFFIRMED** in part and **REVERSED** in part.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine the Claimant's eligibility for MA benefits as of November 23, 2010 and issue any retroactive benefits if otherwise qualified and eligible.

/s/

Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: October 11, 2011

Date Mailed: October 12, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the receipt date of this Decision and Order. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/cr

cc:

