

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201269167
Issue No: 2006, 3008
Case No: [REDACTED]
Hearing Date: October 16, 2012
Wayne #41 County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. After due notice, a hearing was held on October 16, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) on August 1, 2012?

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 an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant's Food Assistance Program (FAP) was due for re-determination by July 31, 2012.
2. On June 28, 2012, Claimant submitted a Redetermination Form (DHS-1010). Claimant submitted her employment contract to begin August 20, 2012 and run until June 30, 2013. The employment contract included Claimant's [REDACTED] for the [REDACTED].
3. On July 21, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) requiring her to submit a Verification of Employment (DHS Form 38) of [REDACTED]. The verifications were due on July 31, 2012.
4. On July 30, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Medical Assistance (MA) and Food Assistance Program

(FAP) were closed beginning August 1, 2012 for failure to provide required verifications.

5. On August 7, 2012, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 Program Reference Manual (PRM).

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 FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the Department asserted that BRIDGES took the action because a wage match for prior income had not been cleared. Review of Department of Human Services Bridges Administration Manual 130 VERIFICATION AND COLLATERAL CONTACTS (2012), Bridges Administration Manual 210 REDETERMINATION/EX PARTE REVIEW (2012), Bridges Administration Manual 220 CASE ACTIONS (2012), Bridges Administration Manual 700 BENEFIT OVERISSUANCES (2011), Bridges Administration Manual 705 AGENCY ERROR OVERISSUANCES (2011), Bridges Administration Manual 710 RECOUPMENT OF MA OVERISSUANCES (2009), Bridges Administration Manual 720 INTENTIONAL PROGRAM VIOLATION (2012) and Bridges Administration Manual COLLECTION ACTIONS (2012) does not reveal any authority for denying ongoing benefits for a failure to provide income information from a previous certification period. While the Bridges Administration Manual 700 series provides authority for seeking recoupment of any benefit over-issuance, that is a potential determination completely unrelated to a determination of ongoing eligibility.

The evidence in this record does not establish that denial of ongoing benefits was a correct action in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) on August 1, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department reinstate Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) cases, determine ongoing eligibility from August 1, 2012 and any benefits Claimant was otherwise eligible for but did not receive will be supplemented.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 19, 2012

Date Mailed: October 22, 2012

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.

GFH/tb

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