

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-41663
Issue Nos.: 2000, 3000
Case No.: [REDACTED]
Hearing Date: May 16, 2013
County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 May 16, 2013, from Detroit, Michigan. Claimant and her [REDACTED], appeared and testified. Participating on behalf of the Department of Human Services (Department) was [REDACTED].

ISSUE

Did the Department act in accordance with Department policy when it closed Claimant's cases for Medical Assistance (MA) and Food Assistance Program (FAP)?

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 MA and FAP benefits.
2. On April 1, 2013, the Department sent Claimant a Notice of Case Action informing her that the Department intended to close her FAP case effective April 1, 2013, and her MA case effective May 1, 2013.
3. On April 11, 2013, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief Manual (ERM).

FAP

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

Claimant requested a hearing to dispute adverse actions taken by the Department with respect to her FAP case. At the hearing, Claimant testified that she understood and accepted the actions taken by the Department concerning her FAP case and that she did not wish to proceed with a hearing concerning her FAP case. The Department agreed to the dismissal of Claimant's hearing request with respect to her FAP case. Pursuant to Mich Admin Code R 400.906(1), Claimant's hearing request with respect to her FAP case is hereby DISMISSED.

MA

The Medical Assistance (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 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.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

In the present case, Claimant requested a hearing to dispute the Department's closure of her MA case effective May 1, 2013. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. The

Department acknowledged that there were errors in the processing of Claimant's MA case and consequently, the Department agreed to do the following: (i) reinstate Claimant's MA case as of May 1, 2013; (ii) begin recalculating the MA budget for May 1, 2013, ongoing in accordance with Department policy; (iii) begin issuing retroactive MA benefits to Claimant for any MA coverage that she was entitled to receive but did not from May 1, 2013, ongoing in accordance with Department policy; and (iv) notify Claimant of its decision in writing in accordance with Department policy.

As a result of this settlement, Claimant no longer wishes to proceed with the hearing. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this case.

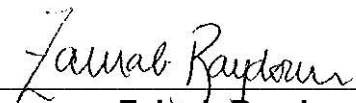
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that Claimant's hearing request with regards to FAP is DISMISSED.

The Administrative Law Judge further concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing with regards to MA.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Reinstate Claimant's MA case as of May 1, 2013;
2. Begin recalculating the MA budget for May 1, 2013, ongoing in accordance with Department policy;
3. Begin issuing retroactive MA benefits to Claimant for any MA coverage that she was entitled to receive but did not from May 1, 2013, ongoing in accordance with Department policy; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 28, 2013

Date Mailed: May 29, 2013

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 mailing 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.

ZB/pf

cc:

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