

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 201333023
Issue No.: 2000, 3002
Case No.: [REDACTED]
Hearing Date: April 3, 2013
County: Macomb 36

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 April 3, 2013. Claimant appeared and testified. During this hearing it was determined that Claimant had submitted the February 28, 2013 hearing request for a hearing about the Medical Assistance (MA) closure due to excess asset from September 2012. The Medical Assistance (MA) closure due to excess asset from September 2012 is dismissed because there has already been a hearing conducted on the matter and the February 28, 2013 request for hearing was not submitted within 90 days of the first notice of the closure on September 26, 2012. Claimant was disruptive, argumentative, and insolent during the hearing. After Claimant was provided with an explanation of the rights he actually had, he made a verbal request for a hearing on the current amount of his Food Assistance Program (FAP) benefits.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's current Food Assistance Program (FAP) benefits?

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 Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
- (2) On September 26, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated his Medicare Savings Program was closed and his Medical Assistance (MA) would close November 1, 2012 due to excess assets.
- (3) On October 1, 2012, Claimant filed a timely request for hearing regarding his excess assets.

- (4) On October 10, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which indicated his Medicare Savings Program and Medical Assistance (MA) would continue due to the timely hearing request.
- (5) On October 18, 2012, Claimant submitted another request for hearing regarding his excess assets.
- (6) On February 28, 2013, Claimant submitted a request for hearing about his "benefits".
- (7) On March 14, 2013, this Administrative Law Judge conducted a hearing on Claimant's October 1 & 10, 2012 requests 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).

During this hearing Claimant's current income and expenses were reviewed as part of his Food Assistance Program (FAP) financial eligibility budget. During the review the Department case worker determined there was a discrepancy in the amount of income that should be in the budget.

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 determine the proper amount of Claimant's current Food Assistance Program (FAP) benefits.

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

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It is further ORDERED that Claimant's Food Assistance Program (FAP) eligibility be re-determined in accordance with Department policy.

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

Date Signed: 5/10/13

Date Mailed: 5/13/13

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.

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

GFH/tb

cc:

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