

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-52577
Issue Nos.: 2014, 3000
Case No.: [REDACTED]
Hearing Date: July 11, 2013
County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 July 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

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

FINDINGS OF FACT

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

1. On April 1, 2013, the Department denied Claimant's application for MA and closed Claimant's FAP case.
2. On May 29, 2013, the Department sent notice to Claimant (or Claimant's Authorized Hearing Representative) of the denial of Claimant's MA application and the closure of her FAP.
3. On June 12, 2013, Claimant filed a request for hearing concerning the Department's action.

CONCLUSIONS OF LAW

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

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 1999 AC, Rule 400.3001 through Rule 400.3015.

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.

Medicaid Application

Evidence presented at the hearing showed that Claimant did not qualify for MA except for the Adult Medical Program (AMP).

Evidence also showed that Claimant exceeded the maximum income to receive AMP benefits.

Therefore, the Department's denial of Claimant's application for MA was correct.

FAP Closure

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

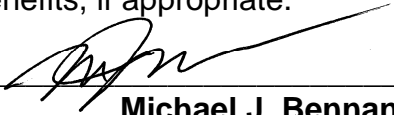
In the present case, Claimant requested a hearing to dispute the Department's action. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the Department's closure of Claimant's FAP case. Consequently, the Department agreed to do the following: recalculate Claimant's income and insure that Claimant's FAP budget was correctly calculated.

DECISION AND ORDER

The Administrative Law Judge concludes that the Department was correct in its denial of Claimant's MA application and the Department and Claimant have come to a settlement regarding Claimant's request for a hearing regarding the Department's FAP closure.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. Recalculate Claimant's income and insure that Claimant's FAP benefits were correctly budgeted and supplement for any missed benefits, if appropriate.



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 24, 2013

Date Mailed: July 24, 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.

MJB/pf

cc:

