

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 2013-52726
Issue Nos.: 2000;3000
Case No.: [REDACTED]
Hearing Date: July 11, 2013
County: Oakland (04)

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 July 11, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was [REDACTED], Eligibility Specialist.

ISSUE

Did the Department act in accordance with Department policy when it processed Claimant's Medical Assistance (MA) case and denied her Food Assistance Program (FAP) 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. Claimant was an ongoing recipient of MA.
2. Claimant's MA case was closed by the Department effective May 31, 2013.
3. Claimant submitted an application for FAP benefits on May 28, 2013 which was denied by the Department.
4. On June 7, 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).

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

MA

In the present case, Claimant was an ongoing recipient of MA under the Group 2 Caretaker (G2C) program. Claimant went to her local Department office to submit an application for MA under the Adult Medical Program (AMP) in April 2013. Claimant was informed by a Department worker that she could not apply for the AMP because she had an active MA case and was sent away. Claimant requested a hearing regarding the Department's refusal to allow her to submit an AMP application in April 2013. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action with respect to MA. The Department acknowledged that it acted in error when it sent Claimant away and did not allow her to submit an application for AMP during the open enrollment period. The Department also testified that Claimant's G2C MA case should have closed on September 4, 2012, when Claimant's son turned 18 years old. The Department stated that it would need to submit a help desk ticket in order to resolve the issue of overlapping MA coverage for the month of April 2013.

Consequently, with respect to MA, the Department agreed to do the following: (i) register and process Claimant's AMP application effective April 1, 2013 in accordance with Department policy; and (ii) notify Claimant of its decision in writing in accordance with Department policy.

FAP

Additionally, Claimant submitted an application for FAP benefits on May 28, 2013. On June 14, 2013, the Department sent Claimant a Notice of Case Action denying her FAP

application based on a failure to verify requested information by the June 10, 2013 due date. Claimant requested a hearing disputing the denial. Soon after commencement of the hearing, the parties testified that they had reached a settlement concerning the disputed action. At the hearing, Claimant testified that she dropped off all of the requested information to the Department's local office on May 30, 2013 and signed her name on the log. The Department verified Claimant's testimony by presenting the sign in logs from May 30, 2013 which included Claimant's name and a list of all of the documents she dropped off that day.

Consequently, with respect to FAP, the Department agreed to do the following: (i) reregister Claimant's May 28, 2013 application for FAP benefits; (ii) begin reprocessing the application and recalculating the FAP budget for May 28, 2013 ongoing in accordance with Department policy; (iii) begin issuing supplements to Claimant for any FAP benefits that she was eligible to receive but did not from May 28, 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 the Department and Claimant have come to a settlement regarding Claimant's request for a hearing with regards to FAP and MA.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Register and process Claimant's AMP application effective April 1, 2013 in accordance with Department policy;
2. Begin issuing retroactive MA benefits to Claimant for any MA coverage that she was entitled to receive but did not from April 1, 2013 ongoing in accordance with Department policy;
3. Reregister Claimant's May 28, 2013 application for FAP benefits;
4. Begin reprocessing the application and recalculating the FAP budget for May 28, 2013 ongoing in accordance with Department policy;
5. Begin issuing supplements to Claimant for any FAP benefits that she was entitled to receive but did not from May 28, 2013 ongoing in accordance with Department policy; and

6. Notify Claimant of all decisions in writing in accordance with Department policy.



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

Date Signed: July 17, 2013

Date Mailed: July 17, 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/cl

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