

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-007504
Issue No.: 1008,3001,2001
Case No.: [REDACTED]
Hearing Date: August 25, 2014
County: WAYNE-18 (TAYLOR)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on August 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and the Claimant's Authorized Hearing Representative, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] FIS Case Manager, and [REDACTED] Path Coordinator.

ISSUE

Did the Department properly resolve the Path request for hearing regarding cash assistance?

Were there any issues remaining regarding the Food Assistance (FAP) and Medical Assistance (LIF) Programs?

FINDINGS OF FACT

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

1. The Claimant was and is an ongoing recipient of Food Assistance and Medical Assistance (LIF) based upon her caring for a dependent child.
2. At a pre-hearing conference held on July 29, 2014, prior to closure of the Claimant's FIP cash assistance case, the Claimant and the Department agreed to issue another Path Appointment Notice to the Claimant for August 4, 2014, thereby resolving the Claimant hearing request regarding the Department's denial of the Claimant Cash Assistance.

3. The Claimant requested a hearing on July 17, 2014 protesting the Department's Actions.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Additionally, in this case the Department demonstrated through its proofs that the Claimant's Medical Assistance and Food Assistance was ongoing and that no negative action had been taken with respect to either program. There were no issues regarding these programs once the Department established that they were ongoing. Exhibit 1.

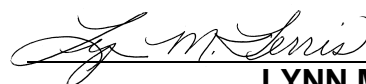
As regards the Claimant's cash assistance, the Claimant had requested a hearing regarding the Department's proposed denial of the Claimant's FIP Cash Assistance due to Claimant's failure to attend the Path Program orientation. As a result of the Pre-Hearing conference held on July 29, 2014, both parties agreed that the proposed denial of cash assistance was resolved when a new Notice to Attend Path Program was issued for August 4, 2014, thus resolving for purposes of the July 17, 2014 Hearing Request in this case the proposed denial. Therefore, there is also nothing further to be decided as regards this issue. BAM 600 (7/1/14)

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department demonstrated that there remains no issue to be decided as regards the Claimant's July 17, 2014 Hearing Request as all issues regarding Food Assistance, Medical Assistance and Cash Assistance were resolved prior to the hearing.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED and the Claimant's July 17, 2014 Hearing Request is DISMISSED.



LYNN M. FERRIS

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

Date Signed: **8/26/2014**

Date Mailed: **8/26/2014**

LMF/tm

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

cc:

