

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No. 2008-32096

Issue No. 2019; 3002

Case No. ██████████

Load No. ██████████

Hearing Date:

December 22, 2008

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Benmane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on December 22, 2008. The Claimant personally appeared and testified.

ISSUE

Did the Department properly figure the Claimant's Food Assistance (FAP) and Medical Assistance (MA), deductible?

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 is a FAP and MA recipient and receives ██████████ in ██████████ income per month.

2. On July 28, 2008, the Department ran an MA budget based on [REDACTED] income and notified the Claimant that her MA was to be cancelled and be replaced by deductible MA.

Claimant's MA deductible is [REDACTED] per month. (Department exhibit 2).

3. On July 30, 2008, the Department notified the Claimant that her FAP would be reduced to [REDACTED] per month.

4. On August 8, 2008, the Claimant filed a request for a 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Here, the Department determined the Claimant's MA budget after receiving information about the Claimant's [REDACTED] income. The undersigned has reviewed the budget and computations with the Claimant and found the income figures and the deductible amount to be correctly listed as [REDACTED] with net income of [REDACTED] 0 after deductions.

MA Only

The case record must support the determination of eligibility or ineligibility. The budget sheet records the determination of financial eligibility. You may use the Local Office Automation (LOA2) system to produce a budget or manually complete a worksheet. (PEM 549, p. 1)

In the instant case, the Department used the LOA2 system and the imputed figures are correct.

In addition, the undersigned has reviewed the FAP budget and found the net income figure of [REDACTED] per month after deductions and the FAP amount of [REDACTED] per month to be correct.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.

/s/ _____
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: [REDACTED] _____

Date Mailed: [REDACTED] _____

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 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.

2008-32096/MJB

MJB

cc:

