

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-15957
Issue No: 2021; 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 16, 2009
Barry County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 telephone hearing was held on April 16, 2009, in Hastings. Claimant personally appeared and testified under oath.

The department was represented by Marcel Beck (ES) and Susan Foreman (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUES

- (1) Did the department correctly deny claimant's FAP application due to excess income?
- (2) Did the department correctly deny claimant's MA-L Healthy Kids application due to claimant's eligibility for MA-related SSI?

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 is an FAP/MA-Healthy Kids applicant.
- (2) Claimant lives with her live-in partner (LIP) and is expecting a child.
- (3) For FAP purposes, claimant's household size is two.
- (4) Claimant has the following monthly income: [REDACTED]--[REDACTED]; RSDI--[REDACTED].
- (5) Claimant's LIP has the following monthly income: [REDACTED]--[REDACTED].
- (6) On February 25, 2009, the caseworker prepared a FAP eligibility budget using the Bridges Computer System. It shows the following: Income--[REDACTED]; FAP income limit--[REDACTED]; FAP allowance—zero.
- (7) On February 25, 2009, the caseworker sent claimant a case action notice (DHS-1605) stating claimant's FAP application was denied due to excess income.
- (8) On February 25, 2009, the caseworker sent claimant a case action notice (DHS-1605) notifying claimant that her MA-Healthy Kids application had been denied because claimant is an active SSI/Medicaid recipient. The LIP's application for Medicaid was denied due to: no children in the home; LIP not disabled, blind, or aged.
- (9) Proper notice (DHS-1605) was mailed to claimant notifying her of the denial of the MA-Healthy Kids denial.
- (10) On March 30, 2009, claimant requested a hearing.

CONCLUSIONS OF LAW

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 Program Administrative

Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The department's income and eligibility policies provide a budgeting system for determining FAP eligibility. Eligibility is determined by the Bridges Computer based on household size and income, if any. (See BEM, 211, 515, 554.)

The department's BEM provides that all earned and unearned income received by the FAP household must be included as household income for FAP eligibility purposes. (PEM 500.)

The preponderance of the evidence in the record establishes that February 2009, the FAP income limit for a household size of two was [REDACTED].

The preponderance of the evidence in the record establishes that in February 2009, claimant's FAP income of [REDACTED] exceeded the FAP income limit ([REDACTED]). Therefore, claimant was not eligible for FAP benefits.

The department's eligibility policies provide that an LIP is not eligible for Medicaid when there are no minor children in the home, and when the LIP is not disabled, blind, or aged. (See BEM 110, 111, 125 and 126.)

Based on the careful review of the department's budgeting procedures, the caseworker correctly denied claimant's February 20, 2009 FAP and MA applications for the reasons noted above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's FAP and MA applications based on excess income and the LIP's failure to meet MA eligibility requirements. Claimant is currently receiving SSI-related MA.

Therefore, the department's actions are, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 21, 2009

Date Mailed: April 21, 2009

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.

JWS/tg

cc:

