

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: 2009-28175
Issue No: 3002; 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 6, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 August 6, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly compute the amount of Food Assistance Program (FAP) benefits claimant was eligible to receive?

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 a FAP recipient when the department received verification from Grand Rapids Housing Commission that his rent had increased. A new FAP budget was computed on May 26, 2009, that resulted in increase in benefits from \$18 to \$36 per month.

2. Claimant was notified of the FAP increase and requested a hearing on June 1, 2009, saying he was getting \$162.00 monthly in 2008, and then only \$14 per month, his rent has increased and he has a \$3,400 dental bill.

3. Department scheduled an interview on June 29, 2009. Claimant attended the interview and brought proof of medical premium with Blue Cross/Blue Shield, rent verification for increase in rent effective July 1, 2009, old medical bills, credit card statement and a payment history report from Department of Veterans Affairs from February, 2008.

4. Claimant's caseworker then ran a new FAP budget and claimant's benefit amount did not change. The caseworker determined that dentist bill cannot be included on claimant's FAP budget as it has been paid for with a credit card.

5. Claimant was allowed medical expenses for the Blue Cross/Blue Shield premium of \$107.09 per month and Medicare Part B premium of \$96.40 per month. Department also budgeted claimant's RSDI income of \$1,316.40 per month.

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).

Claimant is a Senior/Disabled/Veteran FAP household and as such can be allowed medical expenses on the FAP budget. PEM 554. Claimant provided a statement from [REDACTED]

██████████ and a Care Credit/GEMB statement previously to his caseworker, and this is what leads to department's conclusion that his dental bill had been paid and therefore this expense not allowed on the FAP budget. Claimant explains that ██████████ had him apply for Care Credit/GEMB so that his dental bill could be paid to them, or they would not service him. While ██████████ has been paid through Care Credit/GEMB, claimant is obligated for payment of the bill to this company. Therefore, Care Credit/GEMB payments are indeed for a medical expense, claimant's dental bill. However, verification provided by the claimant so far was not sufficient to tie in the ██████████ costs to the Care Credit/GEMB cost, and claimant was advised that he must provide such verification.

Departmental manager present at the hearing agrees that the Care Credit/GEMB cost should be included in claimant's FAP budget if he provides verification showing that this is indeed dental expenses he is paying. The manager is also of the opinion that the caseworker should have requested further information from the claimant to clarify this matter in June, 2009, and that if the claimant provides requested verification his FAP budget should be re-done for July, 2009 with verified medical expenses.

It is noted that all of the other income and expense amounts were discussed with the claimant during the hearing, and he states they are all correct, except for the medical expenses.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in not asking for more information regarding claimant's stated dental expenses in June, 2009, which are possible medical expense that can be included in the FAP budget.

Accordingly, department is to issue the claimant a Verification Checklist, DHS-3503, asking for verification that Care Credit/GEMB account is indeed the dental payment to [REDACTED]. If the claimant provides this verification (or if he had already done so), department is to re-compute the FAP budget including medical expenses effective July 1, 2009 and issue the claimant any FAP benefits he did not receive if this budget results in FAP increase. SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 12, 2009

Date Mailed: August 13, 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 60 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.

IR [REDACTED]

cc: [REDACTED]