

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: 2009-27710

Issue No: 4013; 4014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 23, 2009

Antrim County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, an in-person hearing was held on September 23, 2009.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's State Disability Assistance (SDA) and Adult Medical Program (AMP) benefits?

FINDINGS OF FACT

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

(1) On or about June 5, 2009, the department prepared budgets for AMP and SDA. Claimant's income was [REDACTED] consisting of claimant's husband's social security income. The household of two had excess income to qualify for AMP and SDA. Department A; Department sworn testimony.

(2) Claimant's husband conceded on the record that the income used by the department when preparing the budgets was correct.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

SDA PROGRAM POLICY

Spouses are responsible for each other. Needy spouses living together are expected to share income, assets, and expenses.

SDA and AMP

SDA is a program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. SDA groups will consist of either single individuals or spouses living together.

DEFINITIONS

The program group means those persons living together whose income and assets must be counted in determining eligibility for assistance.

The eligible group means those persons in the program group who meet all eligibility factors.

DETERMINING THE PROGRAM GROUP

SDA and AMP

The program group consists of:

- The client, and
- The client's spouse who lives with the client and does not receive FIP, RAP, or a Refugee Matching Grant.

DETERMINING THE ELIGIBLE GROUP

Determine which members of the program group are eligible. A spouse in the home may fail eligibility and be excluded from the eligible group but remains a mandatory program group member. Exclude a spouse from the eligible group if the spouse fails to meet a nonfinancial eligibility factor or is disqualified for any reason.

BRIDGES ELIGIBILITY MANUAL (BEM) 214

LEGAL BASE

P.A. 368 of 1996

Title XXI of the Social Security Act
(1115) (a) (1) of the Social Security Act

SDA

A group's financial eligibility and monthly benefit amount are determined using:

- actual income (income that was already received), and/or
- prospected income amounts (not received but expected).

Only countable income is included in the determination.

Each source of income is converted to a standard monthly amount, unless a full month's income will not be received.

Bridges Eligibility Manual (BEM) 505

LEGAL BASE

P.A. 386 of 1996
R400.3164

RSDI is available to retired and disabled persons, their dependents,
and survivors of deceased workers.

Count the gross benefit amount as unearned income.

BEM 500

MCL 400.1 et seq.

SDA

Annual Appropriations Act

AMP

1115 (a) (1) of the Social Security Act

After careful examination of the record the Administrative Law Judge finds that the department properly determined claimant's program group, eligible group, budgetable income and SDA grant amount. Claimant resides with her husband. Accordingly, he is included in the program group. His social security income is not excluded and must be counted when determining eligibility. In accordance with state and department policies, the department has established SDA issuance standards. These standards are set forth at Program Reference Table (RFT) 225 which provides that an eligible group of 1 has a monthly SDA payment standard of [REDACTED] and an eligible group of 2 has a monthly SDA payment standard of [REDACTED]. After allowable deductions are included, claimant's household income exceeds these SDA standards. Regarding AMP, RFT 236 sets the income limit for an independent household of 1 at [REDACTED] and an independent household of 2 at [REDACTED]. After allowable deductions are included,

claimant's household income exceeds these figures. Therefore, the department's action must be upheld. Finding of Fact 1-2.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy when it determined claimant's eligibility for State Disability Assistance and Adult Medical Program benefits.

Accordingly, the department's action is **HEREBY UPHELD**.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmad, Director
Department of Human Services

Date Signed: September 30, 2009

Date Mailed: October 1, 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.

JAB/db

cc:

[REDACTED]