

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: 2009-32232

Issue No: 3002

Case No:

Load No:

Hearing Date:

September 9, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from [REDACTED] on September 9, 2009.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program (FAP) allotment and properly denied her application for Medical Assistance (MA)?

FINDINGS OF FACT

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

- (1) On March 18, 2009, Claimant applied for FAP, MA and Child Development and Care (CDC). (Exhibits 1-18)
- (2) On June 6, 2009, the Department approved Claimant's FAP application based on a group size of 1 and denied her application for MA and CDC. Claimant's MA

application was denied based on her income and group size of 1. Claimant's CDC

application was denied because her two children were active on her ex-husband's ([REDACTED]) case in [REDACTED]

(3) On July 31, 2009, the Department received the Claimant's hearing request protesting the amount of her FAP allotment and the denial of her MA and CDC applications.

(4) The Department has since approved Claimant's CDC application.

(5) Claimant and [REDACTED] have joint legal and physical custody and would like one of their two children removed from [REDACTED] case and added to Claimant's case, but their attempts to date in this regard have not been successful. The Department was going to attempt to facilitate this change with [REDACTED] after hearing as it believed that this change could be made and would result in Claimant receiving an increased amount of FAP benefits and being eligible for MA benefits.

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned income means ALL income that is not earned and includes FIP, RSDI, SSI and UB. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. BEM 505

In the instant case, I find that the Department established that it acted in accordance with policy in computing Claimant's FAP allotment and denying her application for MA benefits based on her income and a group size of 1. Claimant may very well be entitled to an increased amount of FAP benefits and be eligible for MA benefits if her joint legal and physical custody arrangement with her ex-husband allows

for them to have one child on each of their cases. However, as stated during the hearing, the issue before me is whether the Department followed policy under the circumstances as they existed at the time of application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in computing Claimant's FAP allotment and denying her application for MA benefits.

Accordingly, the Department's FAP and MA eligibility determination(s) are **AFFIRMED**, it is **SO ORDERED**.

/s/
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 10, 2009

Date Mailed: September 10, 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.

SMB/db

cc:

