

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.: 2009-8142
Issue No.: 2014/3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 4, 2009
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 March 4, 2009. The Claimant appeared personally and testified

ISSUE

Did the Department properly compute the Claimant's Food Assistance (FAP) and deny the Claimant's 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. The Claimant is a FAP recipient and was an MA (QMB) recipient.
2. On September 8, 2008, the Department conducted an annual review of the Claimant's MA and FAP.

3. On September 8, 2008, the Department ran an MA budget showing the Claimant's [REDACTED] income of [REDACTED], and denying QMB. (Department's exhibit, pp.6-9).
4. On November 1, 2008, the department closed the Claimant's QMB for excess income.
5. On November 26, 2008, the Department ran a corrected FAP budget for the Claimant. (Department exhibit pp. 4-5).
6. On December 9, 2008, the Claimant filed a request for a hearing, questioning the denial of his QMB and his FAP amount.

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).

Relevant policy for the claimant's QMB states:

“Net income cannot exceed 100% of poverty.” (PEM 165, p.1)

That income figure is found in RFT 242 and for a group of two is [REDACTED]. (RFT 242, p. 1)

Here, the Department seems to have erroneously relied on the income figure for a group of one but the facts at the hearing indicate a group size of two. In any event, the income of [REDACTED] is undisputed and still falls above the allowable income for a group of two which was [REDACTED] on September 8, 2008. (RFT 250)

Similarly, the figures used for the November 26, 2008, FAP budget are undisputed. After subtracting excess medical and shelter expenses the monthly benefit of 203.00 is correct.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department decisions in this matter.

/s/

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

Date Signed: 04/22/09

Date Mailed: 04/23/09

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.

MJB/jlg

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cc:

