

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-45512
Issue No: 2017-3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 22, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on September 22, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly determine the Claimant had excess income for Medicare premium coverage? Did the Department properly determine the amount of FAP benefits?

FINDINGS OF FACT

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

1. On July 10, 2010, the Department advised the Claimant that he had excess income for MA and Medicare premium coverage. The Claimant's FAP benefits were also impacted.
2. On July 20, 2010, Claimant filed a request for hearing.

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 (DHS) 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).

In the present case, Claimant's total countable income is \$1541. The income cut off for Medicare premium coverage is \$1219. The Claimant's countable income exceeds this amount. Therefore, the Department properly determined the Claimant ineligible for the Medicare premium plan coverage.

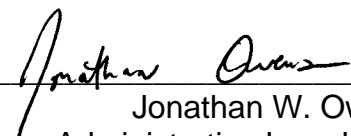
The Claimant also raised concern over the amount of FAP benefits he was receiving. The Claimant asserts the Department failed to include medical expenses he was responsible for paying. The Claimant asserts the medical costs should have been included in the Claimant's FAP budget beginning May 2010. In addition, the Department, during the hearing, discovered additional income the Claimant's group was receiving from the Claimant's spouse, which had not been included in the budget.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined the Claimant ineligible for Medicare premium coverage but incorrectly determined the amount of FAP benefits.

Accordingly the Department's decision regarding Medicare premium is hereby **AFFIRMED**.

The Department's decision regarding the amount of FAP benefits is **REVERSED**. The Department is **ORDERED** to recalculate FAP benefits beginning May 2010 to include medical expenses and the Claimant's spouse's income and supplement the Claimant for any loss in benefits, if any.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/12/10

Date Mailed: 10/13/10

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 mailing 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.

JWO/dj

cc:

