

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201050955
Issue No: 3002, 2013
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 23, 2010
Presque Isle County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on August 17, 2010. After due notice, a telephone hearing was held on Thursday, September 23, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP), Medical Assistance (MA), and Medical Savings Plan (MSP) eligibility?

FINDINGS OF FACT

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

1. The Claimant is an ongoing FAP, MA, and MSP recipient.
2. The Claimant receives a monthly pension in the gross monthly amount of \$ [REDACTED]
3. The Claimant receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED]
4. The Department completed a FAP budget and determined that the Claimant is entitled to a monthly FAP allotment of \$ [REDACTED] effective September 1, 2010.

5. The Department completed a MA budget and determined that the Claimant was no longer eligible for full MA benefits.
6. The Department completed a MSP budget and determined that the Claimant was no longer eligible for benefits under the Qualified Medicare Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLMB), or Additional Low-Income Medicare Beneficiaries (ALMP) categories.
7. The Department received the Claimant's request for an appeal on August 17, 2010, protesting the reduction of FAP benefits, termination of full MA benefits, and termination of MSP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), 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), Reference Table Manual (RFT), 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 compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. 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.

The Claimant is an ongoing FAP recipient as a group of one. The Claimant receives a monthly pension in the gross monthly amount of \$ [REDACTED]. The Claimant receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED]. The Claimant's adjusted gross income of \$ [REDACTED] was determined by subtracting the \$ [REDACTED] standard deduction from the Claimant's total income. The Claimant's excess shelter deduction of \$ [REDACTED] was determined by adding his monthly shelter expense of \$ [REDACTED] to the standard heat and utility deduction of \$ [REDACTED] under the Low Income Home Energy Assistance Program and subtracting half of his adjusted gross income.

The Claimant's net income of \$ [REDACTED] was determined by subtracting his excess shelter deduction from his adjusted gross income. A claimant with a group size of one and a net income of \$ [REDACTED] is entitled to a FAP allotment of \$ [REDACTED] which is the amount of FAP benefits granted to the Claimant for this period. RFT 260. I find that the Department has established that it acted in accordance with policy determining Claimant's FAP allotment.

The Claimant was an ongoing MA recipient as a group of one. The Claimant receives unearned income in the gross monthly amount of \$ [REDACTED] which is made up of pension income and SSI benefits. The Claimant resides in Presque Isle County as a group of one, and has an area shelter deduction of \$ [REDACTED] RFT 200 and RFT 240. The Department determined that the Claimant was not eligible for full MA benefits and has a spend-down amount of \$ [REDACTED] by subtracting the area shelter deduction and a standard \$ [REDACTED] deduction from the Claimant's gross income. I find that the Department has established that it acted in accordance with policy determining Claimant's eligibility for MA benefits.

The Claimant was an ongoing MSP recipient as a group of one. The Claimant receives unearned income in the gross monthly amount of \$ [REDACTED] which is made up of pension income and SSI benefits. The monthly poverty level for a group of one is \$ [REDACTED] RFT 246. Eligibility for Medical Savings Program benefits requires income not greater than 100% of the poverty level under the Qualified Medicare Beneficiaries (QMB) category, between 100% and 120% of the poverty level under the Specified Low-Income Medicare Beneficiaries (SLMB) category, and not greater than 135% of the poverty level under the Additional Low-Income Medicare Beneficiaries (ALMP) category. BEM 165. I find that the Department has established that it acted in accordance with policy determining that the Claimant is not eligible for the Medical Savings Program under any category.

The Claimant argued that he has shelter expenses that the Department did not use to consider his eligibility for benefits.

The Department testified that it applied all shelter expenses reported by the Claimant. No evidence was presented during the hearing that the Claimant verified her property taxes, home insurance expenses, or any other allowable shelter expenses to the Department when her eligibility for benefits was being determined.

Based on the evidence and testimony available during the hearing, I find that the Department has established that it properly determined the Claimant's FAP, MA, and MSP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP, MA, and MSP eligibility.

The Department's FAP, MA, and MSP eligibility determination are AFFIRMED. It is SO ORDERED.

_____/s/

Kevin

_____ Scully

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

Date Signed: October 11, 2010

Date Mailed: October 12, 2010

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.

KS/alc

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