

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.: 2010-53695
Issue No.: 2026, 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 6, 2010
DHS County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 6, 2010. Claimant and her representative, [REDACTED], appeared and testified. [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUES

Whether DHS correctly budgeted Claimant's benefits in the Food Assistance (FAP) and Medical Assistance (MA or Medicaid) programs?

FINDINGS OF FACT

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

1. In 2009, Claimant began receiving FAP and MA benefits.
2. In January 2010, DHS conducted a redetermination conference to reevaluate Claimant's benefits.
3. As a result of the redetermination, DHS discovered that Claimant had unearned pension and Social Security income that was not considered in the calculation of her FAP and MA benefits.
4. On March 1, 2010, Claimant's FAP benefits were reduced from \$200 per month to \$16 per month.

5. Also on March 1, 2010, Claimant's Medicaid deductible amount was increased to \$908 per month.
6. On September 3, 2010, Claimant filed a request for a hearing with DHS.

CONCLUSIONS OF LAW

FAP was established by the Food Stamp Act of 1977 and is implemented by federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers FAP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3001-.3015. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

MA was established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10, *et seq.*, and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.


Before the hearing began, the parties conducted a detailed discussion off the record. The parties went over the FAP and MA budgeting processes and the specific FAP and MA budgets in this case. After the budgets were explained to Claimant and Claimant's representative, Claimant and her representative indicated that they understood the budgeting process and the accuracy of the benefit amounts calculated, but, regardless of their understanding and acceptance of the amounts, they wished to proceed with the hearing.

At the hearing, claimant's representative testified that the State of Michigan has failed in taking care of a special needs person who is seriously in need of public assistance. At the hearing, neither claimant nor her representative made any allegation of error in the FAP or MA calculation process.

Having examined all of the evidence and testimony in this case, I find and conclude that, as a matter of law, there was no error in the FAP or MA benefits issued. The Department's action is, therefore, AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that DHS properly calculated the FAP benefit amount and the MA deductible amount in this case. DHS' action is AFFIRMED. DHS need take no further action in this case.



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

Date Signed: October 7, 2010

Date Mailed: October 7, 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 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.

JL/pf

cc:

