

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.: 2010-53869
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 6, 2010
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 6, 2010. The claimant appeared and testified. [REDACTED], Assistant Payments Supervisor appeared on behalf of the Department.

ISSUE

Whether the department properly calculated claimant's FAP budget and the claimant's gross income?

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 was an ongoing FAP recipient and currently receives FAP benefits in the amount of \$69. The department re-examined the claimant's FAP benefits and as a result his FAP benefits will increase to \$83 effective October 20, 2010.
- (2) The claimant did not dispute that the Department must use the gross RSDI unearned income he receives monthly when calculating the Claimant's FAP budget.
- (3) The Department's SOLQ inquiry as of September 1, 2010 indicated that the Claimant received \$1235 in RSDI benefits and a Part B Medicaid Insurance premium is paid in the amount of \$110.50.

- (4) When calculating the claimant's FAP budget the Department included an expense for the Claimant's Part B Medicaid premium in the amount of \$110.50.
- (5) During the hearing of the department indicated that on October 1, 2010, it had received from the claimant's medical expenses incurred by the claimant since May 2010.
- (6) The department agreed to review all the medical expenses submitted by the claimant to determine whether they were ongoing medical expenses and should be included in the calculation of his FAP benefits.
- (7) The department agreed to recalculate the claimant's FAP benefits based upon its review of the medical expenses. Department further agreed that based upon the review of the FAP budget and inclusion of ongoing medical expenses it would supplement the claimant for any FAP benefits he was otherwise entitled to receive beginning November 1, 2010.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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) and the Bridges Reference Manual (BRM).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the parties reached an agreement whereby the Department agreed to recalculate the claimant's FAP budget to include ongoing medical expenses as a deduction when calculating benefits. The department agreed to review several months of medical expenses submitted by the claimant on October 1, 2010. The department agreed to include any and all ongoing medical expenses as provided by department policy BEM 550 and 554. Department further agreed that any increase in FAP

assistance based on the recalculated budget would be effective November 1, 2010. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing, therefore it is ORDERED:

1. The Department shall recalculate the claimant's FAP budget after it has completed its review of the claimant's medical expenses which were submitted to the department on October 1, 2010. The department shall determine which of the expenses submitted by the claimant are to be deemed ongoing medical expenses as required by department policy contained in BEM 554 page 6.
2. Once the department determines the correct FAP allotment based upon its recalculation and inclusion of ongoing medical expenses, any increase in the claimant's FAP allotment shall be effective November 1, 2010.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/07/2010

Date Mailed: 10/07/2010

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.

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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 of the rehearing decision.

LMF/jlg

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