

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.: 2010-10121
Issue No.: 2026/3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 21, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on April 21, 2010. Claimant appeared and testified; [REDACTED] appeared as Claimant's interpreter and representative. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly calculated Claimant's Food Assistance Program (FAP) benefits and Medical Assistance (MA) benefits for 11/2009?

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP and MA recipient.
2. Claimant receives \$945/month in RSDI benefits as a disabled individual.

3. Claimant's two children receive a combined \$433/month in RSDI benefits.
4. Claimant pays \$800/month for rent.
5. Claimant is eligible for the maximum utility standard of \$555.
6. Claimant received \$274 in FAP benefits in 11/2009.
7. Claimant received Medicaid through Aged/Disabled Care (AD Care) until 11/2009.
8. DHS cut Claimant's MA benefits to Medicaid subject to a monthly \$326 deductible beginning 12/2009.
9. Claimant submitted a hearing request on 11/12/09 regarding reduction of MA benefits and his FAP benefit amount.

CONCLUSIONS OF LAW

FAP Benefits

The Food Assistance Program (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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS testified that Claimant is a disabled individual. Because Claimant's FAP group contains a disabled individual, the group is considered to be senior/disabled/ disabled veteran (SDV). BEM 556. DHS testified that Claimant receives the non-SDV excess shelter maximum of \$459. SDV groups do not have a maximum excess shelter amount.

Claimant's monthly rent is \$800 and Claimant is eligible for the maximum utility standard of \$555. Claimant's excess shelter amount is calculated to be \$732. As such, DHS is under-budgeting Claimant's expenses by not categorizing Claimant's FAP group as an SDV group. It is found that DHS incorrectly calculated Claimant's FAP benefits by failing to categorize Claimant's FAP group as SDV.

MA Benefits

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

Claimant is a disabled individual with two dependent children. Claimant has a monthly income of \$945 in RSDI benefits. The income limit for ADCare is \$903. RFT 242. DHS properly found Claimant to have excessive income for ADCare.

Claimant may still receive Medicaid through eligibility as a caretaker of dependent children. DHS correctly found Claimant eligible for Group 2 Caretaker eligibility subject to a \$326 monthly deductible.

DECISION AND ORDER

The actions taken by DHS are REVERSED in part. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly calculated Claimant's FAP benefit amount. DHS shall recalculate Claimant's FAP benefits beginning 8/2009 giving Claimant credit for being disabled and not limiting Claimant's excess shelter amount. DHS shall make corrections for each future month where Claimant was not given the benefit of disabled status.

The actions taken by DHS are AFFIRMED in part. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly reduced Claimant's MA benefits to Medicaid subject to a \$326 monthly deductible.



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

Date Signed: 4/27/2010

Date Mailed: 4/27/2010

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.

CG/jlg

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