

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: 2010-14573
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 9, 2010
Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 telephone hearing was held on February 9, 2010. The claimant personally appeared and provided testimony, along with [REDACTED], her sister.

ISSUE

Did the department properly budget the claimant's Food Assistance Program (FAP) benefits beginning in October, 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. The claimant was receiving FAP benefits and is a disabled adult, allowing her to claim medical deductions on her FAP budget.

2. The claimant has been placed on a Medical Assistance (MA) deductible case. Due to the claimant's continuing medical expenses, the department and the claimant both indicate the claimant meets her medical deductible each month (which appears to be \$717 per month).

3. Due to some error in the Bridges computer system, the system is not counting all of the claimant's medical expenses although they are entered into the Bridges computer system. This has caused the claimant's FAP benefit amount to be inaccurate.

4. The claimant is also having problems with her MA case, which was heard in hearing on January 27, 2010. These two issues appear to be one and the same and correcting the MA issue will correct the FAP issue.

5. The claimant submitted a hearing request on December 22, 2009.

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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

This case revolves around a Bridges computer problem that has not been able to be corrected by the department. The claimant's MA and FAP have been compromised because the computer system is not taking into account all of the claimant's medical expenses that are being entered.

Both the claimant and the department admit that there is an issue with the claimant's MA and FAP and that it started around March, 2009. The claimant has ongoing medical expenses that always cause her to meet her deductible for each month, but the computer is not always showing she has met her deductible and not always including the expenses in her FAP budget.

The claimant had an administrative hearing on the MA issue on January 27, 2010. The resulting decision from that hearing ordered the department to investigate the claimant's MA and properly count the claimant's medical expenses.

This is directly related to this hearing issue, as the claimant's medical expenses are includable in her FAP budget. Thus, if the department clears up the MA issue, it should also resolve the FAP issue.

The department readily agrees that the claimant has not received the full amount of FAP benefits that she should have received. Thus, the department is going to have to go back to September, 2009 and ensure the claimant has received the proper amount of FAP benefits from that date forward.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly budgeted the claimant's FAP benefits beginning September, 2009.

Accordingly, the department is REVERSED. The department shall:

1. Initiate another redetermination of the claimant's FAP benefit amount (from September, 2009 to present) in accordance with applicable law and policy.
2. Issue the claimant any retroactive benefits the claimant is entitled to.

SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 9, 2010

Date Mailed: March 10, 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.

SLK [REDACTED]

cc: [REDACTED]