

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: 2010-14640

Issue No: 2026, 3002

Case No:

Load No:

Hearing Date:

February 23, 2010

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from [REDACTED] on February 23, 2010.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

- (1) Claimant is a FAP recipient.
- (2) On November 18, 2009, the Department received Claimant's Semi-annual contact report. The Department pulled consolidated income reports which showed that Claimant was receiving unemployment benefits. (Exhibit 6)

(3) On November 19, 2009, the Department completed a MA budget which resulted in MA – Deductible of \$379/month for Claimant and Claimant’s spouse.

(Exhibit 5)

(4) On November 19, 2009, the Department mailed Claimant a Notice of Case Action which explained that MA-Other Healthy Kids was approved for Claimant’s children and MA-Group 2 Caretaker Relatives Medicaid was approved for Claimant and his spouse with a [REDACTED] deductible. (Exhibit 7)

(5) On November 23, 2009, the Department completed a FAP budget which resulted in a monthly FAP allotment of [REDACTED]/month. (Exhibit 4)

(6) On November 23, 2009, the Department mailed Claimant a Notice of Case Action which explained the reduction in Claimant’s monthly FAP allotment. (Exhibit 1)

(7) On December 16, 2009, the Department received Claimant’s hearing request.

#### 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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), 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) 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 remuneration or profit. Unearned income means ALL income that is not earned and includes FIP, RSDI, SSI and UB. 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

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. BEM 505

In the instant case, Claimant agreed that the Department used the correct income and expense figures in completing the FAP and MA Budgets, but did not understand the eligibility computation and/or why he is not entitled to more benefits given his current financial situation. Department policy was explained to Claimant as well as the fact that Administrative Law Judges have no authority to make decisions on constitutional

grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the Department policy set out in the program manuals.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in computing Claimant's FAP and MA eligibility.

DECISION AND ORDER

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

Accordingly, the Department's FAP and MA eligibility determination(s) are AFFIRMED, it is SO ORDERED.

/s/  
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Steven M. Brown  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: February 25, 2010

Date Mailed: February 25, 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 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.

2010-14640/smb

SMB/db

cc:

