

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: 2010-1468
Issue No: 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 4, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 November 4, 2009. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was Charlotte Williams, CMH Social Worker.

ISSUE

Is the department correctly budgeting claimant's medical expense on her Food Assistance Program (FAP) benefits?

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 is a FAP recipient that also has a Medicaid (MA) deductible case.
2. Claimant reports her medical expenses in order to meet her monthly MA deductible and be eligible for MA for at least part of any given month if she meets the deductible amount.

3. Department's computer system then re-figures claimant's FAP benefits based on reported MA deductible expenses. Claimant's FAP amount therefore varies from month to month, and at times she does not know what that amount will be until the day that she can collect such benefits.

4. Claimant requested a hearing on September 15, 2009, due to her FAP amount variations.

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).

Departmental policy allows for budgeting of medical expenses as an expense on the FAP budget for Senior/Disabled/Veteran (SDV) households. BEM 554. Claimant is such a household. Departmental policy further states that the department is to estimate and SDV person's medical expenses for the FAP benefit period. Such estimate is to be based on verified allowable medical expenses, available information about the SDV member's medical condition and health insurance, and changes that can reasonably be anticipated to occur during the benefit period. FAP groups with one-time-only medical expense may have such an expense included in the FAP budget for one month or average it over the balance of the benefit period.

Claimant is on an MA deductible and medical expenses used to meet such deductible are allowable FAP expense if the medical expenses used to meet the MA deductible are allowable

FAP expenses, and the medical expenses are not overdue. The medical bill is not overdue when it is either currently incurred (e.g., in the same month, ongoing, etc.), or currently billed (client is receiving the bill for the first time for a medical expenses provided earlier and the bill is not overdue), or client made a payment arrangement before the medical bill became overdue. BEM 554, pages 6-9).

Claimant's caseworker explains that DHS' new computer system, Bridges, inputs claimant's medical expenses as used on the MA deductible case. Bridges does not allow for any type of manual input of these expenses due to the MA deductible case, and therefore no monthly averaging of the medical expenses during the benefit period is possible. Claimant's FAP benefit amount therefore varies from month to month, depending on her medical bills used on her MA deductible case.

Claimant's caseworker states that this is an issue that cannot be addressed by the local county, and that DHS Central Office staff involved in Bridges system handles any issues/problems related to it. This Administrative Law Judge also does not have the authority or ability to correct or adjust DHS's computer system. The only avenue remaining for possible resolution of the issue is for local county staff to prepare a memorandum describing this problem and send it to their Central Office staff.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department is correctly budgeting claimant's medical expenses on her FAP case, as department's computer system does not allow for alternative budgeting of such expenses due to the claimant being on an MA deductible case.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 6, 2009

Date Mailed: November 10, 2009

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.

IR [REDACTED]

cc: [REDACTED]