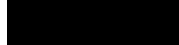


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2010-1529
Issue No.: 2026/3002
Case No.:
Load No.:
Hearing Date:
November 25, 2009
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on November 25, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly figure the claimant's Medical Assistance (MA), and Food Assistance (FAP)?

FINDINGS OF FACT

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

1. The department ran a FAP and MA budgets and placed the claimant and his spouse in the same FAP and MA group.
2. On August 4, 2009, the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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

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 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).

In the instant case, the claimant argues that he and his wife, although living in the same home should be considered two separate FAP and MA groups.

FIP-RELATED FISCAL GROUPS

Group 2 FIP-Related MA and Healthy Kids

Determine the fiscal group for each person who is requesting MA.
The fiscal group must be determined separately for each person.

In determining a person's eligibility, the only income that may be considered is the person's own income and the income of the following persons who live with the customer:

- The customer's spouse, and
- The customer's parent(s) if the customer is a child. (PEM 211, p.4)

Furthermore:

DEPARTMENT POLICY

You must determine who is included in the Food Assistance Program (FAP) group prior to evaluating the nonfinancial and financial eligibility of everyone in the group.

To establish FAP group composition determine:

Who lives together.

The relationship(s) of the people who live together.

Whether the people living together purchase and prepare food together or separately, and

Whether the person(s) resides in an eligible living situation. (See “[LIVING SITUATIONS](#)” in this item.

RELATIONSHIPS

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First determine if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately.

Spouses

Spouses who are legally married and live together **must** be in the same group. (PEM 212, p. 1)

In the instant case the claimant claims a separate residence because he has “registered” and; apartment A and B in the same single family house.

This ALJ finds that the department correctly placed the claimant and his spouse in the same FAP and MA groups, therefore the departments FAP budget and MA deductible calculations are also correct.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the department's decisions in the instant case.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 1/19/2010

Date Mailed: 1/19/2010

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.

MJB/jlg

cc:

