

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201046081
Issue No: 2006, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2010
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on July 1, 2010. After due notice, a telephone hearing was held on Thursday, September 16, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

1. On May 14, 2010, the Claimant applied for MA benefits based on disability, and FAP benefits.
2. The Claimant reported on his application that he was born on [REDACTED], and that he lives with his father.
3. The Claimant's father receives monthly earned income in the gross monthly amount of [REDACTED].
4. On May 14, 2010, the Department sent the Claimant a Verification Checklist and forms necessary to verify the Claimant's disability with a due date of May 24, 2010.

5. On May 24, 2010, the Department denied the Claimant's request for MA for failure to provide information necessary to determine eligibility, and denied his FAP application for excess income.
6. The Department received the Claimant's request for a hearing on July 1, 2010, protesting the denial of his FAP and MA applications.

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 (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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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

For FAP purposes, 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 for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be before than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. BEM 212. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. BEM 212.

On May 14, 2010, the Claimant applied for MA benefits based on disability, and FAP benefits. The Claimant reported on his FAP application that he was born on [REDACTED], and that he lives with his father. Because the Claimant is under 22-years-old and living with his father, the father must be included in his FAP group.

The Claimant's father receives monthly earned income in the gross monthly amount of [REDACTED]. This amount is reduced by a 20% earned income credit, a [REDACTED] medical deduction, and the standard deduction of \$132 to determine the Claimant's adjusted gross income of [REDACTED]. An excess shelter deduction of [REDACTED] is determined by adding the Claimant's monthly shelter expense of [REDACTED] to the standard \$555 heat and utility deduction under the Low Income Home Energy Assistance Program and subtracting half of the adjusted gross income.

The Claimant's net income of [REDACTED] is determined by subtracting the excess shelter deduction from the adjusted gross income. The net income limit for a FAP group of two is [REDACTED]. Therefore, the Claimant is not eligible to receive FAP benefits.

The Department sent the Claimant a Verification Checklist along with forms necessary to verify the Claimant's disability with a due date of May 24, 2010. The Claimant did not request assistance completing the disability forms and did not request an extension for their return. When the Department did not receive the completed forms it sent the Claimant, it denied the Claimant's MA application for failure to verify information necessary to determine eligibility.

Based on the evidence and testimony available during the hearing, the Department established that it denied the Claimant's FAP and MA applications in accordance with policy.

DECISION AND ORDER

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

The Department's FAP and MA eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: October 1, 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.

KS/vc

cc:

