

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-33408
Issue No. 3008
Case No: [REDACTED]
Hearing Date: June 8, 2011



ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on June 8, 2011. The Claimant was present and testified. [REDACTED] Assistance Payments Supervisor appeared on behalf of the Department.

ISSUE

Whether the Department properly reduced the Claimant's Food Assistance (FAP) benefits and increased the Claimant's Medical Assistance spend down amount (deductible).

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 Claimant was an ongoing recipient of Food Assistance (FAP) and Medical Assistance.

2. The Claimant was sent a redetermination on April 13, 2011 with a due date of May 2, 2011.
3. The Claimant responded to the redetermination and filed it with the Department on April 26, 2011.
4. The Department determined that the Claimant did not report her earnings on her redetermination and thus imposed a deductible on the Claimant for her Medical Assistance and reduced her Food Assistance because she was receiving earnings from an employer.
5. The Claimant has provided proof to the Department that her earnings from employment have stopped. The Claimant currently receives income from unemployment benefits as of May 1, 2011.
6. At the hearing the Department agreed to recalculate the Claimant's FAP and Medical Assistance spend down for the month beginning May 1, 2011 to exclude any employment earnings from the calculations and to include only unemployment benefits she is currently receiving.
7. The Department further agreed to issue a supplement for FAP benefits the Claimant was otherwise entitled to receive in accordance with Department policy and to correct the medical coverage based upon the unemployment income only.
8. Based upon these agreements by the Department, the Claimant indicated that she no longer wished to proceed with the hearing.

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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Table (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continue through the day of the hearing.

In the present case the Department has agreed to recalculate the Claimant's FAP and MA benefits retroactive to May 1, 2011 to remove any earned income from the computation of benefits when determining the Claimant's FAP allotment and MA spend down amount and to only include unearned income from unemployment benefits which the Claimant currently receives. The Department further agreed to issue supplements to the Claimant for any FAP benefits that she was otherwise entitled to receive in accordance with Department policy. As a result of these agreements, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly it is ORDERED:

1. The Department shall recompute the Claimant's FAP benefits beginning May 1, 2011, and shall not include any earned income and shall only include the unearned income the Claimant receives from unemployment benefits when calculating FAP benefits to determine eligibility. The Department shall issue a FAP supplement to the Claimant for any FAP benefits she is otherwise entitled to receive in accordance with department policy.
2. The Department shall recompute the Claimant's Medical Assistance spend down amount for the period beginning May 1, 2011 and shall not include any earned income when calculating the spend down amount. The Department shall only include the unearned income the Claimant receives from unemployment benefits when calculating the spend down amount.



Administrative
for
Department

Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: June 14, 2011

Date Mailed: June 14, 2011

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 mailing 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.

LMF/cl

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