

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: 20112657
Issue No: 2026, 3015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: November 23, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on November 23, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine that Claimant is eligible for a deductible Medical Assistance (MA) case?

Did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) application due to excess income?

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 July 14, 2010 Claimant submitted an application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
2. On August 4, 2010 Claimant supplied a paystub to verify her weekly income. The reported earned income was used in financial eligibility budget to determine Claimant's eligibility for Medical Assistance (MA) and Food Assistance Program (FAP) benefits. The budgets incorrectly contained Unemployment Compensation Benefits (UCB) which had ended. The budgets showed that Claimant was eligible for a [REDACTED] deductible Medical Assistance (MA) case and not eligible for Food Assistance Program (FAP) benefits due to excess income. Claimant was sent a Notice of Case Action (DHS-1605).

3. On August 16, 2010 Claimant submitted a request for 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 (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 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 (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) and the Program Reference Manual (PRM).

In this case the Department representative testified that Unemployment Compensation Benefits (UCB) had incorrectly been included in the financial eligibility budgets used to determine Claimant's eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly determine that Claimant is eligible for a deductible Medical Assistance (MA) case and deny Claimant's Food Assistance Program (FAP) application due to excess income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department recalculate Claimant's eligibility for Medical Assistance (MA) and Food Assistance Program (FAP) benefits using the correct income.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 30, 2010

Date Mailed: November 30, 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.

GFH/vc

cc:

