

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-28534
Issue Nos.: 2019, 3019
Case No.: [REDACTED]
Hearing Date: May 12, 2011
DHS County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on May 12, 2011. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUES

1. Whether DHS calculated Claimant's Medical Assistance (MA or Medicaid) Patient Pay Amount (PPA or spend-down) in accordance with DHS policy and procedure?
2. Whether DHS reduced Claimant's Food Assistance Program (FAP) benefits in accordance with DHS policy and procedure?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, makes the following findings of fact:

1. In 2011, DHS provided Claimant with FAP and MA-Group 2 Caretaker (G2C) benefits.
2. On February 25, 2011, DHS issued a Notice of Case Action reducing Claimant's FAP benefits to \$50 per month.
3. On April 5, 2011, Claimant filed a hearing request notice with DHS.

4. At the Administrative Hearing on May 12, 2011, Claimant testified that she no longer wished to dispute her FAP benefits and was satisfied with DHS' action.
5. As a requirement of the MA-G2C program, Claimant is required to pay a PPA of \$348 per month in order to receive insurance coverage.
6. At the Administrative Hearing on May 12, 2011, DHS presented the income figures and the deductions used in calculating the PPA.
7. DHS made PPA calculations correctly and in accordance with DHS policy and procedure.

CONCLUSIONS OF LAW

FAP was established by the Food Stamp Act of 1977 and is implemented by Federal regulations in Title 7 of the Code of Federal Regulations. DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

MA was established by Title XIX of the U.S. Social Security Act and is implemented in the Code of Federal Regulations Title 42. DHS administers MA pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in BAM, BEM and RFT. *Id.*

The DHS manuals are the policies and procedures that DHS officially created for its own use. While the manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable policies are, I will examine whether they were in fact followed in this case.

First, regarding Claimant's FAP benefits, Claimant testified that she is satisfied with the DHS' action with regard to her FAP benefits. Accordingly, the issue of Claimant's FAP benefits is hereby DISMISSED.

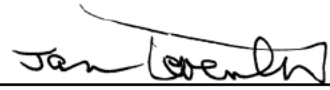
The second issue in this case is the PPA in the MA program. I have reviewed the formula DHS used to calculate Claimant's PPA, and I find and conclude that DHS used the formula required by BEM 546, "Post-Eligibility Patient Pay Amounts." I further reviewed the actual income and deductions made, and I find that DHS calculated Claimant's PPA correctly. Claimant is not disputing the accuracy of the PPA amount, and after it was explained to her at the hearing, she was satisfied with DHS' action.

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In conclusion, based on the findings of fact and conclusions of law above, I conclude and determine that DHS acted correctly in this case and DHS is AFFIRMED. I find and conclude it is not necessary for DHS to take any further action in this case.

DECISION AND ORDER

Based on my findings of fact and conclusions of law above, I find and determine that DHS is AFFIRMED in this case. IT IS ORDERED that DHS need take no further action in this case.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 16, 2011

Date Mailed: May 16, 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.

JL/pf

cc:

