

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

IN THE MATTER OF:



Reg. No.: 2011-29798
Issue No.: 2026, 3002
Case No.: [REDACTED]
Hearing Date: May 12, 2011
DHS County: Wayne (57)

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; M SA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 12, 2011. The Claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or Department) properly figure his Medical Assistance (MA) deductible and his Food Assistance Program (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. On March 9, 2011, the Department determined that the Claimant was no longer eligible for full MA and began a MA deductible for him.
2. As part of a redetermination the Department determined that the Claimant's FAP benefits would be reduced to \$16 per month.
3. On April 11, 2011, the Claimant filed a request for a hearing protesting the deductible amount for his MA and the reduction of his FAP.

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 (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 Bridges Reference Manual (BRM).

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 (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 Bridges Reference Manual (BRM).

In the instant case, the Claimant questions the Department's calculation of his MA.

The undersigned has reviewed the MA budget and found it to be correct. The protected income limit is \$375 per month for a group of one in Wayne County. The Claimant's countable income is \$1,608 per month. This equals the \$1,233 deductible. (RFT 240).

This Administrative Law Judge sympathizes with the Claimant but there is nothing that can be done to change the above equation.

Similarly, the Claimant questions the calculation of his FAP. This Administrative Law Judge has reviewed the figures of the FAP budget as well and found them to be correct. The Claimant's adjusted gross income is \$1,522 allowing a net benefit of \$16 per month.

DECISION AND ORDER

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



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 22, 2011

Date Mailed: June 23, 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.

MJB/cl

cc:

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