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

IN THE MATTER OF:

Reg. No.: 2011-34036
Issue No.: 2026, 3002
Case No.:
Hearing Date: June 15, 2011
DHS County: Macomb (20)

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; MSA 16.437, upon the claimant's request for a hearing. After due notice a telephone hearing was held in Detroit, Michigan on June 15, 2011. The claimant appeared and testified.

ISSUE

Did the Department pr operly figure his Medical As sistance (MA) deductible and his Food Assistance (FAP) benefit?

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 Department began a redetermination due in March 2011.

2. The Depart ment determined that the clai mant was no longer eligible for full MA and began an MA deductible of $641 per month for him. As part of the redetermination, the Department also lo wered the claimant's F AP to $16 per month.

3. On March 7, 2011, the claimant filed a request for a hearing protesting the deductible amount for his MA and the reduction in his FAP.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implement ed by T itle 42 of the C ode 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 MC L 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 Assistanc e Program (FAP) (formerly known as the Food Stamp (FS) program) is establis hed by the Food St amp Act of 1977, as amended, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Depart ment 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 Manua l (BAM), the Bridges Elig ibility Manual (B EM) and the Bridges Reference Manual (BRM).

In the instant case, the claimant questions the Department's calc ulation of h is MA a nd FAP benefits.

The undersigned has reviewed the MA budget and found it to be correct. The protected income limit is $408 per month for a group of one in Macomb County. The claimant's countable income is $1,049 per month. This equals the $641 deductible. (RFT 240.)

Similarly, this Administrati ve Law Judge has reviewed the c laimant's FAP budget a nd found it to be correct as well. The claimant 's adjusted gross inc ome for FAP is $1,000 per month. This allows a monthly FAP benefit of $16 per month.

This Administrative Law Judge s ympathizes wit h the claimant but there is nothing that can be done to change the above equations.

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: August 2, 2011

Date Mailed: August 2, 2011

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/cl

cc: