

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-35140
Issue No.: 2026; 3002
Case No.: [REDACTED]
Hearing Date: June 23, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE:

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 telephone hearing was held on June 23, 2011. Claimant appeared and testified. I. [REDACTED] appeared on behalf of the Department of Human Services (Department or DHS.)

ISSUE

Was the Department correct in its calculation of Claimant's Food Assistance Program (FAP) benefits?

Was the Department correct in its calculation of Claimant's Medical Assistance (MA) 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. Claimant was an ongoing FAP and MA recipient.
2. The Department determined that Claimant was entitled to \$187.00 in FAP benefits per month.
3. The Department determined that a deductible of \$335.00 per month should be imposed on Claimant's MA case.
4. Claimant requested a hearing on her FAP and MA cases.

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5. The Department submitted a memo post-hearing that an error was found in Claimant's initial FAP and MA budgets.

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 CML 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).

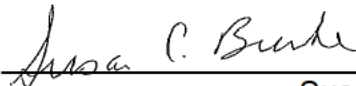
The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *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).

Unearned income is considered in obtaining countable income. See BEM 500. Child support is considered a type of unearned income. BEM 503, p. 5.

In the present case, the Department submitted a memo post-hearing that an error was found in Claimant's initial FAP and MA budgets. Therefore the Department was not correct in its initial calculation of Claimant's FAP benefits and MA deductible.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was incorrect in its initial calculation of Claimant's FAP benefits and incorrect in its initial calculation of the deductible on Claimant's MA case. It is therefore ORDERED that the Department shall re-determine Claimant's FAP grant amount and MA deductible, effective June 1, 2011 and ongoing. It is further ORDERED that the Department shall issue missed or increased payments in the form of a supplement.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/29/11

Date Mailed: 6/29/11

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.

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