

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

IN THE MATTER OF:



Reg. No. 2011-35470
Issue Nos. 2019, 3015
Case No. [REDACTED]
Hearing Date: June 23, 2011
Macomb (12)

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 June 23, 2011. The Claimant appeared and testified at the hearing. [REDACTED], Eligibility Specialist, appeared and testified for the Department of Human Services (DHS).

ISSUES

1. Whether Claimant's eligibility for Food Assistance Program (FAP) benefits was determined in accordance with DHS policies and procedure?
2. Whether Claimant's and Claimant's group members' Medical Assistance (MA or Medicaid) Patient Pay Amounts (PPA, spend-down or deductible) were determined 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, finds as fact:

1. In 2010, Claimant received MA benefits for herself, her husband and one child. The MA benefit requirements included Patient Pay Amounts for Claimant and her husband, but not for their child, who participated in the MA Other Healthy Kids (OHK) program.

2. On September 29, 2010, Claimant applied for FAP benefits for a family group of three persons.
3. In September, 2010, Claimant's countable net income for FAP eligibility was \$2,808, and the DHS maximum countable FAP net income limit for a family of three is \$1,526.
4. On October 27, 2010, DHS issued a Notice of Case Action denying FAP benefits to Claimant, and granting MA benefits to Claimant with spend-downs for Claimant and her husband only. The deductibles became effective November 1, 2010.
5. On January 18, 2011, Claimant filed a Request for a Hearing with DHS.
6. On January 21, 2011, DHS issued a Notice of Case Action terminating Claimant's child from the MA Other Healthy Kids program, entering her in the MA Group 2 Under 21 (MA-G2U) program, and requiring a PPA of \$2,178.

CONCLUSIONS OF LAW

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and 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 by Title 42 of the U.S. Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS policies are found in BAM, BEM and RFT. *Id.*

I will first address the issue of Claimant's FAP benefits. In reaching my decision I consulted DHS Reference Table 250, "FAP Income Limits." This chart shows that for a FAP group of three people, the maximum allowable income is \$1,526. As Claimant's net countable income is clearly higher than this amount, I must find and conclude that DHS is correct in denying FAP benefits to Claimant in September, 2010. RFT 250.

Second, I will consider the PPA requirements for the three members of Claimant's group. DHS did not provide me with the calculations of Claimant's and her group members' PPAs for the dates in question. The hearing record contains only the calculation of the parents' PPAs for April 1, 2011 and there is no calculation provided for

Claimant's child. As I am unable to review DHS calculations for the time periods at issue in this case, I must REVERSE the Department's decision, and remand the case to the Department for a review of all three PPA calculations made for this family group.

In conclusion, based on the findings of fact and conclusions of law above, I find and determine that DHS used the proper information in determining that Claimant is not eligible for FAP. DHS is AFFIRMED with regard to its denial of FAP benefits to Claimant. With regard to the three PPA calculations, DHS is REVERSED and this case is remanded to DHS to recalculate and reprocess Claimant's and her husband's PPA amounts for November, 2010 and Claimant's child's PPA for March 1, 2011.

DECISION AND ORDER

Based on my findings of fact and conclusions of law above, I find and determine that DHS is PARTIALLY AFFIRMED and PARTIALLY REVERSED in this matter.

1. IT IS ORDERED that DHS correctly denied FAP benefits in this case and is AFFIRMED. DHS need take no further action in this case with regard to FAP benefits.
2. IT IS FURTHER ORDERED that DHS is REVERSED with regard to the three PPAs. DHS is ordered to recalculate and reprocess the three PPAs, first for Claimant and her husband effective November 1, 2010, and next the PPA for Claimant's child effective March 1, 2011.



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

Date Signed: June 28, 2011

Date Mailed: June 29, 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

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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/cl

cc:

