

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20114350
Issue No.: 2000; 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 2, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on December 2, 2010. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's Food Assistance benefits and in closing ALMB benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was an ongoing FAP and ALMB recipient.
- (2) Claimant's FAP benefits were increased to \$47 on November 1, 2010 following redetermination.
- (3) Claimant receives \$1556 per month gross unemployment compensation.
- (4) Claimant pays \$129 towards property taxes and is responsible for utilities.
- (5) Claimant requested a hearing on October 24, 2010 contesting the determination of FAP benefits and closure of ALMB benefits.

- (6) The parties reached an agreement whereby the Department agreed to reinstate ALMB benefits back to the date closure.

CONCLUSIONS OF LAW

The Food Assistance Program, 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 ("DHS"), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM"). **MEDICARE COSTSHARING BENEFITS** Medicaid may pay the following for Medicaid recipients who are entitled to Medicare: • Medicare Part A premiums. • Medicare Part B premiums. • Part of Medicare Part B premiums. • Medicare Part D premiums. • Medicare deductibles and coinsurances. The type of Medicare cost-sharing benefits depends on the type of Medicaid eligibility. BEM 810.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

The federal regulations define household income to include all earned income. 7 CFR 273.9(b). All monthly income must be converted to a nonfluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. BEM 550. Under 7 CFR 273.9, as amended, \$132.00 is deducted from the gross income of FAP recipients in determining FAP grants.

In the present case with regard to Food Assistance, Claimant has \$1330 unearned income from social security and long term disability benefits. The standard deduction of \$141 was taken resulting in adjusted income of \$1189. Claimant has shelter expense of \$1215, and does qualify for an excess shelter deduction of \$124. 50% of adjusted gross income (\$594) is exceeded by housing expense and heat and utility standard (\$718) by \$124. Subtracting \$124 from \$1189 results with \$1065. The Food Assistance Issuance Table shows \$47 in benefit for \$1065 net income for a household of 2. (RFT 260). This is the amount determined by the Department and is correct.

In the present case with regard to ALMB benefits, the parties reached an agreement whereby the Department agreed to reinstate ALMB back to the date of closure. Since the Claimant and the Department have come to an agreement it is unnecessary for this


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Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly calculated the Claimant's FAP benefits. Accordingly, the Department's determinations are AFFIRMED.

With regard to Claimant's ALMB benefits, pursuant to agreement of the parties ALMB benefits are reinstated as of the date of closure pursuant to the agreement of the parties. Any missed benefits shall be paid to Claimant in the form of a supplement.



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: December 10, 2010

Date Mailed: December 10, 2010

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt of the rehearing decision.

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