

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.: 2011-15866
Issue Nos.: 2000, 3000, 4013
Case No.: [REDACTED]
Hearing Date: February 23, 2011
DHS County: Wayne (82-76)

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 February 23, 2011. Claimant appeared and testified. [REDACTED], and [REDACTED] [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

ISSUES

1. Whether DHS granted Food Assistance Program (FAP) and Medical Assistance (MA or Medicaid) program benefits to Claimant in accordance with DHS policy and procedure?
2. Whether DHS denied State Disability Assistance (SDA) benefits to Claimant 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. Claimant receives Medicare insurance coverage from the U.S. Social Security Administration.
2. Claimant receives Retirement, Survivors, and Disability Insurance (RSDI) from the Social Security Administration.

3. Claimant receives FAP benefits from DHS and agrees that his FAP benefits are “fair.”
4. Claimant receives MA benefits in the MA Qualified Medicare Beneficiary (QMB) program, which pays his Medicare insurance premiums.
5. On December 2, 2010, DHS issued a Notice of Case Action approving Claimant for QMB benefits. The Notice of Case Action also denied SDA benefits to Claimant for the reason that his RSDI income was too high and he was not qualified to receive SDA benefits.
6. On January 14, 2011, DHS issued a Notice of Case Action again denying SDA cash assistance to Claimant for the reason that his RSDI income exceeded the income limit necessary to qualify for SDA benefits.
7. On January 20, 2011, Claimant filed a hearing request with DHS.
8. At the hearing on February 23, 2011, DHS offered to review Claimant’s QMB coverage to confirm that DHS has made each monthly QMB payment to the Federal government.
9. As a result of DHS’ offer, Claimant testified that he no longer wished to exercise his right to an Administrative Hearing on the MA QMB issue.

CONCLUSIONS OF LAW

In this case I have carefully reviewed Claimant’s detailed and lengthy hearing request in order to determine what DHS actions he is contesting. I also reviewed his testimony carefully with an eye to clarify further the issues raised in this case. As best as I can determine, Claimant is contesting three DHS actions concerning the following programs: FAP, MA and SDA. Accordingly I shall limit my discussion and decision to these three DHS programs.

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 (MACR) 400.3001-400.3015. DHS’ policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the 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.*

SDA provides financial assistance for disabled persons and is established by 2004 Michigan Public Acts 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and MACR 400.3151-400.3180. DHS' policies are found in BAM, BEM and RFT. *Id.*

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

In this case, the parties stipulated to a settlement agreement whereby DHS will review the QMB payment records to confirm that DHS has made all of the appropriate QMB payments to the Social Security Administration. Second, as Claimant testified that his FAP benefits are fair, I determine and conclude that this issue is, for all practical purposes, withdrawn and I need not address this issue at this time. As the parties have reached an agreement on these issues, it is not necessary for the Administrative Law Judge to decide the first two issues presented in this case.

The remaining issue in this case is DHS' denial of SDA benefits to Claimant based on Claimant's unearned RSDI income. Both of the Notices of Case Action in this case state that SDA was denied because Claimant's RSDI income is too high for him to be qualified to receive SDA. At the hearing, Claimant did not dispute the Agency's calculations. Also, Claimant presented no evidence at the hearing to indicate that his RSDI income was incorrect or that the denial was based on an incorrect calculation. Accordingly, I find there is no basis in the record to prove that DHS' denial of SDA was incorrect based on Claimant's RSDI income, and I AFFIRM the Agency's denial of SDA benefits in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties as to the FAP and MA issues, decides that DHS acted correctly in denying SDA benefits to Claimant and that all other issues in this case have been resolved by the mutual agreement of the parties. DHS is PARTIALLY AFFIRMED in this case.

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IT IS ORDERED that DHS is AFFIRMED as to its denial of SDA benefits to Claimant. IT IS ORDERED that DHS shall review its QMB payment record to confirm that all necessary payments to Medicare have been made. DHS need take no further action in this case with regard to Claimant's FAP benefits and SDA application.



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

Date Signed: March 2, 2011

Date Mailed: March 3, 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.

JL/pf

cc:

