

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg No.: 201126418
Issue No.: 2000; 3015
Case No.: [REDACTED]
Hearing Date: June 6, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 6, 2011. Claimant appeared and testified. Claimant's wife, [REDACTED], also appeared on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in its denial of Claimant's Medical Assistance (MA) application?

Was the Department correct in its denial of Claimant's Food Assistance Program (FAP) application due to excess income?

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 applied for MA and FAP on [REDACTED].
2. The Department denied Claimant's application for MA and FAP.
3. Claimant received \$2,200.00 per month in Social Security.

4. Claimant is in a group size of two.
5. Claimant requested a hearing, protesting the denial of his MA and FAP application.
6. At the hearing, the Department agreed to reinstate and reprocess Claimant's MA application of February 16, 2011. As a result of the agreement, Claimant stated that he no longer requested a hearing on MA.

CONCLUSIONS OF LAW

MEDICAL ASSISTANCE

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).

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 department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the department receives a hearing request and continues through the day of the hearing.

In the present case, the Department has agreed to reinstate and reprocess Claimant's MA application of February 16, 2011. As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing on MA. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case regarding MA.

FOOD ASSISTANCE PROGRAM

The Food Assistance Program (FAP) 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 administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM, including Reference Tables (RFT).

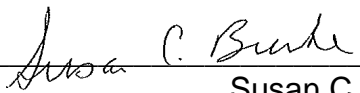
The Reference Table (RFT) is used to determine whether the claimant's income exceeds allowable income. FAP groups are categorically eligible based on enhanced authorization for Domestic Violence Prevention Services. BEM 213.

RFT 250 mandates that a group size of two has an income limit of \$2,430.00, using monthly categorical income

In the present case, the Department determined that Claimant's income exceeded the limit. However, Claimant's income of \$2,200.00 does not exceed the limit of \$2,430.00 for a group size of two. BEM 213; RFT 250. Therefore the Department was not correct in its decision to deny Claimant's FAP application due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing on MA. Therefore, it is ORDERED that the Department reinstate and reprocess Claimant's MA application of February 16, 2011. In addition, the Administrative Law Judge decides that the Department was not correct in its decision to deny Claimant's FAP application due to excess income. It is therefore ORDERED that the Department reinstate and reprocess Claimant's FAP application of [REDACTED], and, if Claimant is otherwise eligible, any missed or increased payments shall be made in the form of a supplement.



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

Date Signed: June 8, 2011

Date Mailed: June 8, 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 receipt 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.

SCB/ hw

cc: [REDACTED]

201126418/SB

