

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-40119  
Issue Nos.: 2026, 3002  
Case No.: [REDACTED]  
Hearing Date: December 22, 2011  
DHS County: Wayne (82-35)

**ADMINISTRATIVE LAW JUDGE:** Jonathan W. Owens

**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, an in-person hearing was held on December 22, 2011, in Redford, MI. Claimant appeared and testified as well as [REDACTED] Claimant's spouse. The Department of Human Services (Department) was represented by [REDACTED].

A hearing was originally started on September 26, 2011. The hearing started late due to the Department's failure to appear timely. Claimant requested the hearing be continued since he needed to pick his child up from school. The hearing was rescheduled to accommodate the Claimant's schedule.

**ISSUE**

Whether the Department properly determined Claimant's Medical Assistance (MA) benefits and Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. On February 28, 2011, Claimant requested a hearing protesting State Emergency Relief (SER), Food Assistance Program (FAP) and Medical Assistance (MA) case actions taking place in December 2010, January and February 2011.
2. On April 14, 2011, Claimant reported his spouse and children had returned to the home.

3. April 22, 2011, the Department confirmed the change in group composition.
4. April 28, 2011, a budget was completed.
5. On May 27, 2011, the Department provided a copy of a signed withdrawal form to the Michigan Administrative Hearing System (MAHS). The February 28, 2011, hearing request was withdrawn.
6. On May 12, 2011, Claimant submitted a hearing request disputing the change in his MA benefit case set to take effect on May 1, 2011.
7. On May 12, 2011, Claimant filed a hearing request regarding the closure of his FAP benefits due to excess income.
8. June 1, 2011, due to excess income, FAP benefits were scheduled to close.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

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.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human

Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

The Claimant filed two hearing requests which are addressed in this decision. The Claimant filed a hearing request on May 12, 2011, protesting the change in MA coverage for Claimant's spouse. Claimant contested Claimant's spouse being placed into a deductible case. The budgets were reviewed at hearing and testimony regarding its accuracy was taken. This Administrative Law Judge concluded that the MA budget completed by the Department was correct and Claimant's spouse was properly placed into a deductible MA case.

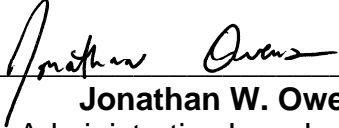
Claimant's other hearing request submitted on May 12, 2011, dealt with the closure of FAP benefits. Claimant believed all appropriate deductions and allowances were not taken into account in calculating his group' FAP benefits. The Department provided a budget which indicated Claimant's FAP group income exceeded the income test. Therefore, no other deductions would be taken into consideration since the group failed the basic income test. Testimony and evidence were taken at hearing regarding the FAP group income. This Administrative Law Judge finds the income utilized by the Department was accurate and this amount of monthly income does, in fact, exceed the FAP group income test limits.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when it opened a MA deductible case for his spouse and in determining the group had excess income for FAP benefits.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.

  
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**Jonathan W. Owens**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: January 9, 2012

Date Mailed: January 9, 2012

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

JWO/pf

cc:

