

**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.: 2011-6537  
Issue No.: 2000/3000  
Case No.: [REDACTED]  
Hearing Date: January 5, 2011  
Wayne County DHS (55)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**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 hearing was held in Hamtramck, Michigan on Wednesday, January 5, 2011. The Claimant appeared, along with [REDACTED], and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

**ISSUE**

1. Whether the Department properly calculated the Claimant's food assistance ("FAP") monthly benefit?
2. Whether the Department properly determined the Claimant's Medical Assistance ("MA") deductible amount?

**FINDINGS OF FACT**

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

1. The Claimant is a FAP and MA recipient.
2. The Claimant notified the Department of an increase in his group size from 6 to 9.
3. The Department did not implement the increase until December 2010.
4. The Claimant's unemployment compensation benefits ended November 29, 2010.

5. The Claimant's MA case was not activated timely.
6. On October 22, 2010, the Department received the Claimant's timely written request for hearing.

### **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 Bridges Reference Manual ("BRM").

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services ("DHS"), formerly known as the Family Independence Agency, pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the BAM, BEM, and BRM.

During the hearing, the Department acknowledged that the wrong group size was used in some of the months at issue for the Claimant's FAP budget. As a result, the Claimant's FAP allotment(s) was not correct. This error impacted the Claimant's MA deductible amount. The Department agreed to recalculate the Claimant's FAP benefits from July 2010 through current to include the proper group size of 9 and the correct income figures for each month. The Department further agreed to recalculate the Claimant's MA budget effective December 2010. Accordingly, the Department's previous actions are not upheld.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department's determinations are not upheld.

Accordingly, it is ORDERED:

1. The Department's determinations are not upheld.
2. The Department shall recalculate the Claimant's FAP benefits effective July 2010 and notify the Claimant and his Authorized Representative of the Determination in accordance with department policy.

3. The Department shall supplement for any lost FAP benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.
4. The Department shall recalculate the Claimant's MA budget effective December 2010 and notify the Claimant and his Authorized Representative of the determination in accordance with department policy.
5. The Department shall supplement for any lost MA benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

*Colleen M. Mamelka*

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Colleen M. Mamelka  
Administrative Law Judge  
For Duane Berger, Director  
Department of Human Services

Date Signed: 1/06/2011

Date Mailed: 1/06/2011

**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.

CMM/jlg

cc:

[REDACTED]