

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

IN THE MATTER OF:



Reg. No. 2012-11743
Issue No. 3002
Case No. [REDACTED]
Hearing Date: December 8, 2011
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 8, 2011 from Detroit, Michigan. The claimant appeared and testified; [REDACTED] appeared as Claimant's authorized hearing representative, witness and translator. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

The issue is whether DHS properly determined Claimant's eligibility for Food Assistance Program (FAP) benefits effective 10/2011.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP benefit recipient.
2. Claimant reported various medical expenses to DHS including an ongoing health insurance expense.
3. On 10/20/11, DHS redetermined Claimant's FAP benefit eligibility effective 10/2011 (see Exhibit 1).
4. The DHS redetermination failed to factor Claimant's reported medical expenses.

5. On 10/31/11, Claimant requested a hearing to dispute the FAP benefit redetermination for 10/2011.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001- 3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RTM). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The controlling DHS regulations are those that were in effect as of 10/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

DHS uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554 at 1. For groups without a senior (over 60 years old), disabled or disabled veteran (SDV) member, DHS considers the following expenses: child care and excess shelter (housing and utilities) up to a capped amount and court ordered child support and arrearages paid to non-household members. For groups containing SDV members, DHS also considers the medical expenses for the SDV group member(s) and the full excess shelter expense. It was not disputed that Claimant and his spouse were over 60 years of age and would be seniors for purposes of FAP benefit issuances. Accordingly, medical expenses for Claimant and his spouse are relevant factors to the FAP benefit decision.

In the present case, Claimant disputed a DHS redetermination in which ongoing FAP benefits were reduced. The FAP budget factors were discussed during the hearing and Claimant only disputed a failure by DHS to factor medical expenses into the eligibility decision.

DHS noted (in the Hearing Summary) that medical expenses such as \$62/month for health insurance and \$145.97 for medication were counted in the FAP determination. An attached budget (Exhibit 1) indicated otherwise; it verified that no medical expense credit was given to Claimant. Accordingly, the FAP benefit redetermination was incorrect for failing to factor medical expenses.

It should be noted that DHS applies a \$35 copayment to monthly medical expenses (see BEM 556). Thus, any recalculation will reflect reported medical expenses of \$35 less than whatever amount is subsequently verified.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly redetermined FAP benefits effective 10/2011 by failing to budget medical expenses for Claimant and his spouse. It is ordered that DHS:

- (1) redetermine Claimant's FAP benefit eligibility effective 10/2011 based on verified medical expenses; and
- (2) supplement Claimant for any FAP benefits not previously issued.

The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 16, 2011

Date Mailed: December 16, 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.

CG/ctl

cc: [REDACTED]
Wayne County DHS (19)/1843

[REDACTED]
Christian Gardocki
File