

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012 50395
Issue No.: 3002, 2000
Case No.: [REDACTED]
Hearing Date: June 4, 2012
County: Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 4, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

ISSUE

Did the Department properly compute the Claimant's Food Assistance (FAP) Benefits?
Does any Issue exist with regard to the Claimant's Medical Assistance?

FINDINGS OF FACT

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

1. The Claimant was approved for a medical spend down of \$990 on April 1, 2012. The Claimant was concerned that her medical assistance had closed, and thus no longer wished to proceed with the hearing on that issue. Exhibit 1.
2. The Claimant and her spouse currently receive FAP benefits in the amount of \$16 per month. The Claimant and her spouse currently receive medical assistance and have a medical spend down amount of \$990 per month. Exhibit 1.
3. The Claimant and her spouse receive social security benefits in the amount of \$1717 monthly, and are both disabled.

4. The Claimant's house and insurance expense is \$116 monthly based upon summer taxes of \$265.91; winter taxes of \$690.68 and insurance of \$440.
5. The Claimant had no issue with regard to the medical assistance, as it is currently active.
6. The Claimant submitted no medical expenses for the last FAP budget. The Department included the Medicaid Part B premium expense for both the Claimant and her spouse in the amount of \$96.40 and \$110.50. The Medical expenses as calculated by the Department in the amount of \$172 are correct.
7. The Claimant requested a hearing on 4/19/12 protesting the closure of her Medical Assistance case and the amount of her FAP benefits.

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 AACRS, 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.

Additionally, at the hearing, a thorough review of the FAP budget prepared by the Department was done and it was determined that except for the monthly shelter expense, the Department correctly calculated the unearned income amount. The medical expense (based upon the Medicaid Part B premiums paid) and the proper standard deduction of \$146; the utility standard of \$553 per RFT 255 were properly included, and the amounts were correct. Exhibit 2 and Exhibit 3. The Department made a minor error in calculating the monthly shelter expenses, which should have been \$116 instead of \$120 per month as calculated by the Department.

Additionally, the Claimant's request for hearing regarding her medical assistance was not considered at the hearing, as the Claimant was satisfied that her medical assistance case was open and therefore did not wish to pursue her hearing request in that regard.

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 . did not act properly when it calculated the FAP budget for 4/1/12.

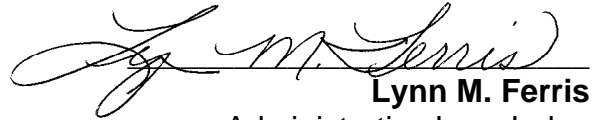
Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

The Claimant's hearing request is DISMISSED with regard to issues relating to the closure of her medical assistance case as her medical assistance case is open.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall recalculate the Claimant's FAP budget retroactive to 4/1/12, and shall include \$116 per month as the monthly shelter expense when calculating the excess shelter deduction.

2. The Department shall issue a FAP supplement for FAP benefits, if any, the Claimant is entitled to receive in accordance with Department policy.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 12, 2012

Date Mailed: June 12, 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

LMF/hw

cc:

