

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-9897
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: January 11, 2012
County: Oakland (63-04)

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 following Claimant's request for a hearing. After due notice, a in-person hearing was held on January 11, 2012, from Pontiac, Michigan. Participants on behalf of Claimant included Claimant's daughter, [REDACTED], and Claimant's attorney [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly determine the amount of 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 August 17, 2011, Claimant emailed the Department medical bills for consideration.
2. On September 20, 2011, medical bills were submitted for consideration for Claimant's FAP budget.
3. On November 1, 2011, Claimant filed a hearing request to prompt the Department to utilize the medical expenses submitted.

4. On November 2, 2011 the medical bills were calculated into the budget.
5. On November 30, 2011, a help ticket was submitted because the FAP budget failed to allow inclusion of medical expenses.

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.

In the instant case, Claimant requested a hearing to prompt the Department to utilize the medical expenses submitted in her FAP budget. The Department did attempt to utilize all bills submitted. However, BRIDGES failed to allow the deductions when the budget was actually completed. The amount of FAP benefits remained the same no matter the amount of medical expenses inputted by the Department. The Department admitted during the hearing the system failed to properly consider the medical expenses. Claimant and her representative submitted manual calculations which showed FAP benefits for the months of August, September and October to be higher than \$16. Claimant and her representative also noted the maximum amount of FAP benefit listed in the FAP budgets as incorrect. The maximum benefit according to the Department tables should be \$200, not \$176.

The Department acknowledged something was wrong with how BRIDGES calculated Claimant's benefits. The Department had submitted a help desk ticket. To date, no response or fix has occurred. The Department also acknowledged that Claimant had a fixed number of medical expenses which should be used in her FAP budget. Claimant was informed medical expenses exceeding those fixed amounts during any month could be submitted for inclusion in her FAP budget on a month-to-month basis.

DECISION AND ORDER

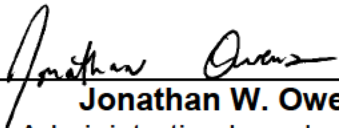
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly when . did not act properly when the BRIDGES system failed to allow the inclusion of medical expenses in Claimant's FAP case.

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

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

1. Shall initiate reprocessing the Claimant's FAP case beginning August 2011 to include the following medical expenses submitted for consideration:
 - a. Ongoing medical expenses in the amount of \$154.79 (made up of \$96.50 Medicare Part B, \$14.95 Medicare part D, \$28.57 monthly prescription costs and \$14.77 expenses for diabetic needles);
 - b. Utilize the one time expenses submitted for the months of August, September and October (August bill \$322.50, September bill \$384.13 and October bills \$19.43, \$47.31 and \$97.77);

2. Notify Claimant in writing of the Department's decision and supplement Claimant for any loss in benefits if eligible.



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

Date Signed: January 18, 2012

Date Mailed: January 18, 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:

