

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-17453
Issue No.: 2000, 3014
Case No.: [REDACTED]
Hearing Date: February 21, 2012
County: Macomb (12)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Tuesday, February 21, 2012. The Claimant appeared and testified. Participating on behalf of Department of Human Services ("Department") was [REDACTED]

ISSUE

Did the Department properly determine that the Claimant's Medical Assistance ("MA") deductible?

Did the Department properly calculate the Claimant's food assistance ("FAP") benefits effective July 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. The Claimant is a MA and FAP recipient.
2. The Claimant's group size is 2.
3. The Claimant receives unemployment compensation benefits. (Exhibit 3)

4. In September 2011, the Department reviewed the Claimant's case and changed the Claimant's MA coverage under the Low Income Family ("LIF") to MA coverage with a deductible. (Exhibit 5)
5. At this same time, the Department recalculated the Claimant's FAP benefits, using the wrong group size, resulting in a lower FAP allotment. (Exhibit 4)
6. On September 26, 2011, the Department notified the Claimant of the change in benefits.
7. On October 6, 2011, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("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 Michigan Admin Code, Rules 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996.

The Food Assistance Program ("FAP"), 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. The Department, formerly known as the Family Independence Agency, administers FAP pursuant to MCL 400.10, *et seq.*, and Michigan Admin Code, Rules 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. 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 Mich Admin Code, Rules 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, Rules 400.5001 through R 400.5015.

In this case, the Department reviewed the Claimant’s case and determined the Claimant’s eligibility under the MA and FAP benefit programs in light of the Claimant’s unemployment compensation benefits. As a result, the Claimant was no longer eligible under the LIF program but was still eligible for MA benefits under a deductible program. During the hearing, the Claimant testified she understood the reason for the change in MA benefits. In light of the foregoing, the Department’s determination regarding MA eligibility is AFFIRMED.

The Department also included the Claimant’s unemployment compensation benefits when it determined the Claimant’s FAP allotment. As a result of the increased unearned income, the Claimant’s FAP benefits were reduced. That being stated, when determining FAP eligibility, the Department used a group size of 1 as opposed to 2. Accordingly, although the reduction in FAP benefits was proper, the actual monthly benefit amount is incorrect due to the incorrect correct group size. In light of the foregoing, the Department’s FAP calculation is REVESED.

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’s MA determination is AFFIRMED and the FAP calculation is REVESED.

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 benefits effective July 2011 using the proper group size in accordance with department policy.
2. The Department shall notify the Claimant of the FAP determination in accordance with department policy.

3. The Department shall supplement for lost FAP benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 28, 2012

Date Mailed: February 28, 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

CMM/cl

cc:

