

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201250429
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: May 31, 2012
County: Oakland DHS (02)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 31, 2012 from Detroit, Michigan. Participants included the above named claimant and [REDACTED]. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's FAP benefit eligibility effective 5/2012 as \$16/month.

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. The last month of Claimant's FAP benefit period was 4/2012.
3. On an unspecified date, Claimant submitted various documents including the following medical expenses: \$150.62 on 9/1/10, \$32.26 on 4/21/11, \$175.25 on 11/17/11, \$4.90 on 12/22/11 and \$260.60 on 2/3/12.
4. On 4/20/12, DHS mailed Claimant a Notice of Case Action (Exhibits 5-8) informing Claimant that he was eligible for \$16/month in FAP benefits effective 5/2012.

5. The FAP benefit determination dated 4/20/12 failed to factor Claimant's submitted medical expenses.
6. On 4/25/12, Claimant requested a hearing to dispute the FAP benefit determination for 5/2012.

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 (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The present case involved a dispute over Claimant's FAP benefit eligibility for 5/2012. Claimant presented several arguments objecting to the determination.

Claimant repeatedly testified that he received more FAP benefits in prior months suggesting that DHS could not reduce his FAP benefit eligibility. Claimant's argument was meritless. A client is not entitled to receive continued FAP benefit issuances simply because a higher benefit amount was received in the past.

Claimant also made several references to his medical history; he seemed to contend that his poor health justified a higher FAP benefit amount. The health of a person is not a relevant factor in a FAP benefit determination.

Claimant also contended that his health demands that he eat certain foods, presumably more expensive foods, which should justify a higher FAP benefit issuance. Again, Claimant's argument simply has no bearing on a FAP benefit determination. DHS policy does not distinguish between people who need to eat more or less costly foods.

FAP benefits are affected by several factors including: household members, income, housing expenses, child support expenses, dependent care expenses, medical expenses and various DHS credits and calculations. After discussing all relevant FAP benefit factors, the only specific issues in dispute involved Claimant's spouse's income and Claimant's medical expenses.

Claimant objected to how his wife's employment income was budgeted. DHS testified that Claimant's spouse's gross pays from 3/2012 were budgeted and resulted in a gross employment income of \$969. On the record, it was found that DHS correctly calculated Claimant's spouse's income. Claimant responded that his wife worked fewer hours in 5/2012 resulting in an income reduction. The income reduction may affect future FAP benefit determinations, but has no bearing on the correctness of the 4/20/12 FAP

benefit determination. It is found that DHS properly determined Claimant's spouse's employment income for purposes of 5/2012 FAP benefit eligibility.

DHS is to estimate an SDV person's medical expenses for the benefit period. The expense does not have to be paid to be allowed. DHS is to allow medical expenses when verification of the portion paid, or to be paid by insurance, Medicare, Medicaid, etc. is provided. DHS is to allow only the non reimbursable portion of a medical expense. The medical bill cannot be overdue. The medical bill is not overdue if one of the following conditions exists:

- Currently incurred (for example, in the same month, ongoing, etc.).
- Currently billed (client is receiving the bill for the first time for a medical expense provided earlier and the bill is not overdue).
- Client made a payment arrangement before the medical bill became overdue.

It was not disputed that Claimant submitted medical bills to DHS as part of the FAP benefit redetermination beginning 5/2012. DHS conceded that Claimant's submitted medical bills were not factored into the FAP redetermination. It was not disputed that DHS should have evaluated whether the medical bills were overdue and accordingly factored into the FAP benefit redetermination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to factor various medical expenses into Claimant's FAP benefit eligibility effective 5/2012. It is ordered that DHS:

- (1) determine whether the following medical expenses incurred on the following dates are overdue bills: \$150.62 on 9/1/10, \$32.26 on 4/21/11, \$175.25 on 11/17/11, \$4.90 on 12/22/11 and \$260.60 on 2/3/12;
- (2) recalculate Claimant's FAP benefit eligibility effective 5/2012 subject to the finding that DHS failed to consider Claimant's medical bills in the original redetermination; and
- (3) supplement Claimant for any benefits not properly issued in the original redetermination.

The actions taken by DHS are REVERSED.



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

Date Signed: June 7, 2012

Date Mailed: June 7, 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

