

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201271380
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: September 19, 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 September 19, 2012, from Detroit, Michigan. Participants included the above named claimant. [REDACTED] testified on behalf of Claimant. [REDACTED] testified, and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's medical expenses in determining Claimant's eligibility for 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. Claimant was an ongoing FAP benefit recipient.
2. Claimant completed and submitted to DHS a Mid-Certification Contact Notice which listed zero medical expenses.
3. On 8/14/12, DHS redetermined Claimant's FAP benefit eligibility effective 9/2012, in part, based on medical expenses of \$0.
4. On 8/20/12, Claimant requested a hearing to dispute the failure by DHS to consider medical expenses in the 9/2012 FAP benefit eligibility.

CONCLUSIONS OF LAW


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. Department policies are contained in the Bridges Administrative Manual (BAM) and the Bridges Eligibility Manual (BEM).

Claimant requested a hearing to dispute a FAP benefit determination effective 9/2012. DHS stated that Claimant's FAP benefits were decreased due to a DHS failure to recognize a previous increase in Claimant's income. Claimant's AHR did not object to the entire FAP benefit determination. The AHR only objected to the failure by DHS to recognize numerous medical expenses incurred by Claimant.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (9/2012), p. 7. In the present case, it was not disputed that Claimant and/or the AHR failed to report various unidentified medical expenses on the Mid-Certification Contact Notice. It was not disputed that DHS did not factor the unreported medical expenses into the FAP benefit redetermination. DHS cannot be faulted for failing to factor unreported medical expenses. It is found that DHS properly did not factor unreported medical expenses in Claimant's FAP benefit eligibility effective 9/2012. Claimant's AHR was advised any medical expenses can be reported to DHS for consideration in future benefit months.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly excluded Claimant's unreported medical expenses in the FAP benefit determination effective 9/2012. The actions taken by DHS are AFFIRMED.



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

Date Signed: 9/24/2012

Date Mailed: 9/24/2012

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

CG/hw

cc:

