

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201341591
Issue No.: 2026, 3003
Case No.: [REDACTED]
Hearing Date: May 16, 2013
County: Wayne DHS (57)

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 16, 2013, from Detroit, Michigan. Participants included the above-named Claimant. [REDACTED] testified and appeared as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly redetermined Claimant's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) 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 MA and FAP benefit recipient.
2. On 2/28/13, Claimant returned a Redetermination (Exhibits 1-4) to DHS.
3. The Redetermination did not list any ongoing medical expenses for Claimant.
4. On 3/14/13, DHS determined Claimant's MA and FAP benefit eligibility, effective 4/2013, in part, based on \$0/month in medical expenses.
5. On 4/12/13, Claimant requested a hearing to dispute the FAP and MA benefit redeterminations.

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).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a redetermined amount of FAP and MA benefits. Claimant also disputed a termination of chore service benefits. Chore service benefits are known to be based on MA benefit eligibility; thus, the chore service eligibility is incorporated within the MA benefit analysis.

As it happened, a redetermination of FAP and MA eligibility, effective 4/2013, resulted in a significant benefit reduction for Claimant. DHS presented testimony that the reduction was caused by a change in reported medical expenses. The DHS testimony was reasonable and credible. Thus, the hearing and corresponding decision only address the issue of whether DHS properly calculated Claimant's MA and FAP eligibility based on reported medical expenses.

DHS is to verify allowable medical expenses including the amount of reimbursement, at initial application and redetermination. BEM 554 (10/2012), p. 9. It was not disputed that Claimant submitted a Redetermination (Exhibits 1-4), listing \$0 in medical expenses.

Claimant testified that he is very ill and that DHS should have presumed that he has ongoing medical expenses. Claimant's diagnosis does not equate to verification of medical expenses, nor does it excuse Claimant from reporting requirements. Claimant's redetermination listing zero medical expenses is persuasive evidence that DHS properly factored zero medical expenses in the benefit redetermination. It is found that DHS properly determined Claimant's FAP and MA benefit eligibility based on zero medical expenses.

Claimant implied that even if he failed to report medical expenses on the Redetermination, his FAP eligibility should not have been affected because only his MA eligibility was scheduled to be redetermined. What a client reports on any document is potentially relevant to all programs. For example, if Claimant reported an increase in medical expenses, he would surely expect DHS to factor the increased expenses to his

FAP and MA benefit eligibility. Claimant cannot reasonably expect a different standard when a reported change results in a decrease of benefits. It is found that DHS properly applied the reported change in expenses to Claimant's FAP benefit eligibility.

As noted during the hearing, Claimant could have and still may report that he has medical expenses; DHS would then request verification of the expenses for consideration in Claimant's future benefit eligibility. Thus, Claimant is stuck with the benefit reduction only for as long as his medical expenses go unverified.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly budgeted \$0 in medical expenses for Claimant's FAP and MA benefit eligibility, effective 4/2013. The actions taken by DHS are AFFIRMED.



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

Date Signed: 5/24/2013

Date Mailed: 5/24/2013

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

201341591/CG

P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

