

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

**IN THE MATTER OF:**

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████████████████████  
████████████████████

Reg. No.: 2013-48990  
Issue No.: 2026; 3002  
Case No.: ██████████  
Hearing Date: July 1, 2013  
County: Macomb (36)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**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 hearing was held on July 1, 2013, from Sterling Heights, Michigan. Participants on behalf of Claimant included Claimant and ██████████ ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, ES.

**ISSUE**

Did the Department properly calculate Claimant's benefits for the Food Assistance Program (FAP)?

Did the Department properly calculate Claimant's Medical Assistance (MA) deductible?

Did the Department properly close Claimant's Specified Low-Income Medicare Beneficiary (SLMB) program 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 received benefits for MA, SLMB and FAP.
2. On May 19, 2013, Claimant filed a hearing request, protesting the calculation of her FAP benefits and MA deductible. Claimant also requested a hearing regarding SLMB.

3. During the hearing, Claimant did not dispute the figures used by the Department in calculating Claimant's FAP benefits or MA deductible.
4. During the hearing, Claimant presented evidence that was relevant to her benefits after her request for hearing.

### **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 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 1999 AC, Rule 400.3001 through Rule 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.

In the present case, Claimant did not dispute the figures used by the Department with respect to calculating Claimant's FAP benefits and MA deductible as of May 19, 2013, the date of the request for her hearing. However, Claimant presented new evidence that may affect her benefits June 1, 2013, and ongoing. The Department's Notice of Case Action and exhibits showing FAP benefits calculations and MA deductible calculations addressed May 1, 2013 and ongoing. Claimant may request a new hearing regarding Department calculations of June 1, 2013 and ongoing, with which she may disagree, after having submitted the new documentation to the Department.

After careful review of the calculations presented by the Department, it is found that the Department was correct with regard to MA and FAP. See BEM 545; BEM 505.

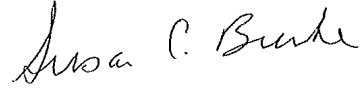
Claimant also requested a hearing regarding the SLMB program. In order to qualify for the SLMB program, a person's income must be less than [REDACTED], effective April 1, 2013. See RFT 242. Claimant's income was [REDACTED] per month at the time of the SLMB closure of May 1, 2013. The Department was therefore correct in closing Claimant's SLMB.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly calculated Claimant's MA deductible and FAP benefits, and properly closed Claimant's SLMB program benefits.

**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.

Accordingly, the Department's decision is AFFIRMED for the reasons stated on the record.



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**Susan C. Burke**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 9, 2013

Date Mailed: July 9, 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 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.

2013-48990/SCB

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

SCB/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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