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

IN THE MATTER OF:				
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-55806 3003 July 29, 2013 Oakland (02)		
ADMINISTRATIVE LAW JUDGE: Jan Leventer				
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 July 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and her husband, Participants on behalf of the Department of Human Services (Department) included Assistance Payments Supervisor.				
<u>ISSUE</u>				
Due to increased countable income, did the Department properly $\square$ deny the Claimant's application $\square$ close Claimant's case $\boxtimes$ reduce Claimant's benefits for:				
Food Assistance Program (FAP)?		sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?		
FINDINGS OF FACT				
The Administrative Law Judge, based on the cevidence on the whole record, finds as material fac		ial, and substantial		
1. Claimant ☐ applied for benefits for: ☐ red	ceived benefits for	<del>.</del> :		
<ul> <li>☐ Family Independence Program (FIP).</li> <li>☐ Food Assistance Program (FAP).</li> <li>☐ Medical Assistance (MA).</li> </ul>	•	sistance (AMP). ssistance (SDA). ent and Care (CDC).		

2.	On April 1, 2013, the Department   denied Claimant's application closed Claimant's case   reduced Claimant's benefits due to an increase in net countable income.		
3.	On March 28, 2013, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. closure. reduction.		
4.	On June 24, 2013, Claimant or Claimant's AHR filed a hearing request, protesting		
	the denial of the application.		
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.			

Additionally, Food Assistance Program (FAP) benefit levels are based on income and expenses. In this case the Claimant challenges the Department's failure to include a \$160 medical expense deduction in the calculation of her benefit level. The Department's decision to exclude this expense caused Claimant's net countable income to increase, leading to a decrease in FAP benefits. Bridges Eligibility Manual (BEM) 554 (2012); Dept. Exh. 1, pp. 3, 15.

Claimant's husband testified that Claimant incurred the expense in October, 2012. She did not submit a receipt for reimbursement at the time she incurred the expense. She did not bring a receipt to the hearing.

In February, 2013, the Department issued a Redetermination application form to Claimant. The Redetermination form updates the customer's FAP budget for the upcoming certification period. In response Claimant submitted receipts and an Rx Outreach pricelist. Dept. Exh. 1, p. 11.

Bridges Eligibility Manual (BEM) 554, "FAP Allowable Expenses and Expense Budgeting," states that the following are acceptable verifications, and indicates further that this list is not inclusive: current bills, insurance statements, Department Medical Needs forms, Single On-Line Query (SOLQ) records for Medicare premiums, written statements from licensed health care professionals, and collateral contact with the

provider. Department of Human Services Bridges Eligibility Manual (BEM) 554 (2012), p. 9.

Having examined the pricelist, and all of the evidence in this case in its entirety, it is found and determined that the pricelist is insufficient verification of a medical expense. The price list is not a bill or receipt, an insurance statement a Department form, an SOLQ, a written statement from a licensed health care professional, or a collateral contact. It does not indicate the amount billed by Rx Outreach or the amount paid by the Claimant. It contains no billing or payment information.

Accordingly, it is found and determined that the Department acted correctly in excluding the Rx Outreach document as verification of a medical expense. The Department is affirmed.

affirmed.	ar expense. The Department is		
Based upon the above Findings of Fact and Conclusion stated on the record, the Administrative Law Judge income, the Department  properly improper	concludes that, due to excess		
<ul><li>☐ denied Claimant's application</li><li>☐ reduced Claimant's benefits</li><li>☐ closed Claimant's case</li></ul>			
for: AMP FIP FAP MA SDA CDC.			
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 \infty \text{did act properly}  \text{did not act properly}.			
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ FAP $\square$ MA $\square$ SDA $\square$ CDC decision is $\boxtimes$ AFFIRMED $\square$ REVERSED for the reasons stated on the record.			
	Jan Joen In		
Data Signad: July 20, 2012	Jan Leventer Administrative Law Judge for Maura Corrigan, Director Department of Human Services		

Date Signed: July 30, 2013

Date Mailed: July 30, 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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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 affect the substantial rights of the claimant,
  - 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

JL/tm

CC: