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

IN THE MATTER OF:



Reg. No.: 201355448 Issue No.: 3003; 2026

Case No.: Hearing Date:

July 30, 2013

County: Luce

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

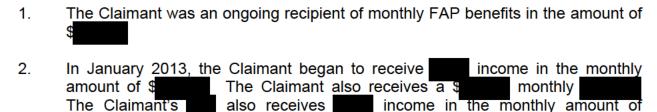
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 30, 2013, from Lansing, Michigan. Participants on behalf of Claimant included and his and his Participants on behalf of Department of Human Services (Department) included Eligibility Specialist,

<u>ISSUE</u>

Did the Department properly determine the Claimant's monthly Food Assistance Program (FAP) allotment and properly close the Claimant's SSI-MA case and open an MA case with a deductible instead?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:



3.	On June 18, 2013, the Department sent the Claimant a DHS-1605, Notice of Case Action informing the Claimant that his monthly FAP allotment was reduced to \$ beginning August 1, 2013, and that he had a deductible of \$ and his beginning July 1, 2013.
4.	On June 27, 2013, the Department received the Claimant's written hearing request protesting the reduction in his FAP allotment and the determination of the deductibles.
	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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, <i>et seq</i> . The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, <i>et seq</i> ., and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.	
progra impler Regul Agend	ne Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) am] is established by the Food Stamp Act of 1977, as amended, and is mented by the federal regulations contained in Title 7 of the Code of Federal ations (CFR). The Department (formerly known as the Family Independence by) administers FAP pursuant to MCL 400.10, et seq., and Mich Admin Code, R 2001 through R 400.3015.
Secur The [e Medical Assistance (MA) program is established by the Title XIX of the Social ity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). Department of Human Services (formerly known as the Family Independence by) administers the MA program pursuant to MCL 400.10, et seq., and MCL 05.
	ne Adult Medical Program (AMP) is established by 42 USC 1315, and is istered by the Department pursuant to MCL 400.10, et seq.
for dis	e State Disability Assistance (SDA) program, which provides financial assistance sabled persons, is established by 2004 PA 344. The Department of Human ses (formerly known as the Family Independence Agency) administers the SDA am pursuant to MCL 400.10, et seq., and 2000 AACS, R 400.3151 through R 180.
☐ Th	e Child Development and Care (CDC) program is established by Titles IVA, IVE

and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

The Claimant contested that the Department would use his gross income and questioned the deductions allowed in both the FAP and MA budgets. Bridges Eligibility Manual (BEM) 500 (2010) p. 2 instructs the Department's workers to count gross income and it is therefore concluded that the Department was correct in counting the Claimant's gross income. There was no MA budget in evidence and no evidence as to what was counted for shelter deductions and and deductions in the FAP budget. As such, the evidence is insufficient to establish that the Department acted in accordance with its policy when determining the monthly FAP allotment and the MA deductibles.

DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department $oxed{\boxtimes}$ did not act properly when.
Accordingly, the Department's \square AMP \square FIP \boxtimes FAP \boxtimes MA \square SDA \square CDC decisions \square AFFIRMED \boxtimes REVERSED .
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
 Initiate action to re-determine the Claimant's eligibility for MA back to July 1, 2013 and initiate action to re-determine the Claimant's eligibility for FAF back to August 1, 2013, and
2. Initiate action to issue the Claimant any supplement he may thereafter be due.
/s/

Susanne E. Harris Administrative Law Judge for Maura Corrigan, Director

Department of Human Services

Date Signed: <u>7/31/13</u>

Date Mailed: 8/1/13

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 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

SEH/tb

