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

IN THE MATTER OF:



Reg. No.: 2014-14309 Issue No.: 2007;3007 Case No.: Hearing Date: County: Wayne-55

December 18, 2013

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CF R 431.200 to 431.250; 45 CFR 99. 1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on Dece mber 18, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included

ISSUE

Did the Department properly calculate the Claimant's FAP decrease and his MA deductible?

FINDINGS OF FACT

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

- On November 12, 2013, the Department sent the Claimant a Notice of Case Action 1. notifying the Claimant that her FAP would decrease and that a deductible would be imposed on her MA benefits due to the Depar tment's being notified of an increase in the Claimant's RSDI benefits.
- 2. On November 20, 2013, the Claimant requested a hearing to protest the decrease in his FAP allotment and the imposition f a deductible on his MA benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Service s Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), D epartment of Human Servic es Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

∑ The Food Assistance Program (FAP) [fo rmerly known as the Food Stamp program] is established by the Food St amp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the feder al r egulations contained in 7 CF R 271.1 to 285.5. The Department (formerly known as the Fam ily Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

At the hearing the Department provided a FAP budget t hat included the Claimant's increase in RSDI unearned income from **\$1000000** per month to **\$1000000** per month.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

- acted in accordance with Depar tment policy when it decreased the Claimant's FAP allotment due to the increase in his RSDI.
- failed to s atisfy its burden of s howing that it acted in accor dance with Department policy when it failed to provide a MA deductible budget.

DECISION AND ORDER

Accordingly, the Department's decision is

- AFFIRMED IN PART with respect to t he FAP decrease and REVERSED IN PART with respect to the imposition of the MA deductible.
- THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WIT H DE PARTMENT P OLICY AND CONSIS TENT WIT H THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
- 1. Return to December 1, 2013, recalc ulate the claimant's MA deductible, and supplement for any missed MA benefits.

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Michael J. Bennane Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: December 27, 2013

Date Mailed: December 27, 2013

NOTICE OF APPEAL: 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 Re hearing or Reconsideration was made, within 30 days of the receipt date of t he Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the re quest 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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered e vidence that exi sted at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wr ong conclusion;
- Typographical, mathematical or oth er obvious error in the hearing decision that aff ects the rights of the client;
- Failure of the ALJ to address in the hearing decision r elevant issu es raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings Reconsideration/Rehearing Request P.O. Box 30639 Lansing, Michigan 48909-07322

MJB/las