

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201331020
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Wayne DHS (17)

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 March 21, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's eligibility for Food Assistance Program (FAP) 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 FAP benefit recipient.
2. Claimant was an ongoing Medical Assistance (MA) recipient, eligible for Medicaid subject to a \$322/month deductible.
3. Claimant had ongoing medical expenses which exceeded \$322/month.
4. On 2/7/13, DHS determined Claimant's FAP benefit eligibility for 2/2013 as \$267, in part, based on \$0 medical expenses.
5. On 2/19/13, Claimant requested a hearing to dispute the FAP benefit issuance for 2/2013.

6. On 2/19/13, Claimant also requested a hearing to dispute how quickly DHS applies her submitted medical expenses toward her Medicaid deductible.

CONCLUSIONS OF LAW

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's primary complaint was that DHS was too slow in applying her submitted medical expenses towards her Medicaid deductible. Claimant testified that she was willing to wait 10 days for DHS to process the submitted medical expenses, but that she was growing increasingly frustrated with having to wait longer. Claimant also expressed frustration at an alleged lack of communication by DHS. Claimant's impatience with DHS is understandable based on her family's medical needs. Nevertheless, Claimant's complaint is not one that may be addressed by administrative hearing. As of the date of hearing, it was not disputed that DHS processed all of Claimant's submitted medical expenses. Concerning Claimant's MA benefit dispute, her hearing request is dismissed for failing to raise an addressable issue.

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).

Claimant requested a hearing to dispute a FAP benefit determination, effective 2/2013. FAP benefits are affected by several factors including: household members, income, housing expenses, child support expenses, dependent care expenses, medical expenses and various DHS credits and calculations. Claimant only disputed the failure by DHS to budget medical expenses in the redetermination.

During the hearing, all FAP budget factors were discussed with Claimant. Claimant's only objection concerned the failure by DHS to factor Claimant's medical expenses. Claimant and DHS agreed that Claimant had a Medicaid deductible of \$322/month, for which Claimant submitted medical expenses in every month.

DHS applies a \$35/month copayment to monthly medical expenses. BEM 556 (10/2011), p. 3. Because Medicaid was processed for Claimant in each calendar month, Claimant should not have had medical expenses exceeding \$322. Applying the \$35

copayment to the medical expenses results in \$287 in countable medical expenses. It was not disputed that Claimant's FAP benefit eligibility for 2/2013 failed to factor any medical expenses. Accordingly, the DHS FAP benefit determination for 2/2013 was improper for failing to budget \$287 in medical expenses.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to raise an MA benefit dispute addressable by administrative hearing. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly determined Claimant's FAP benefit eligibility for 2/2013. It is ordered that DHS:

- redetermine Claimant's eligibility for 2/2013 subject to the finding that Claimant had \$322 in medical expenses (\$287 in countable expenses); and
- supplement Claimant for any FAP benefits improperly not issued.

The actions taken by DHS are REVERSED.



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

Date Signed: 3/28/2013

Date Mailed: 3/28/2013

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

CG/hw

cc:

