

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201349726
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: Wayne County (#35)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's May 29, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday, June 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and her husband [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Family Independence Manager) and [REDACTED] (Eligibility Specialist).

ISSUE

Due to excess assets, did the Department properly deny the Claimant's application for Medical Assistance (MA)?

Due to excess income, did the Department properly deny the Claimant's application 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, including the testimony at the hearing, finds as material fact:

1. Claimant applied for benefits received benefits for:

- | | |
|---|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP) | |

2. Due to excess assets and income, on May 10, 2013 the Department denied Claimant's application. closed Claimant's case.
2. On May 10, 2013, the Department sent Claimant notice of the denial. closure.
3. On May 29, 2013, Claimant filed a hearing request, protesting the denial of the application. closure of the case.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

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 1997 AACS R 400.3001-3015.

In determining eligibility for the various programs all countable earned and unearned income available is considered in determining a Claimant's eligibility for program benefits. All income is converted to a monthly amount. BEM 505 (October 2010), p. 1. A standard monthly amount must be determined for each income source used in the budget. BEM 505, p. 1. Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. BEM 505, p. 6. Bi-weekly amounts are converted by multiplying the amount by 2.15. BEM 505, p. 6. Here Claimant receives \$1,492/monthly Social Security benefits; \$212.00/monthly pension and \$46.70/monthly dividends. Claimant's husband receives \$1,314/monthly Social Security Benefits. Based on the verified income the Department determined Claimant's group has countable unearned income of \$3,060.00. After all applicable deductions the group net income is \$2,533.00, which exceeds the net income limit of \$1,261.00 for a group size of 2. RFT 270 (October 2011). As a result Claimant's income exceeded the income limit for the FAP program at the time of application.

Additionally, assets are also considered in determining eligibility for Medicaid benefits. Asset eligibility exists when the asset group's countable assets are less than or equal the asset limit for the program. In this case, Claimant had countable liquid assets of \$4,384.04 in an IRA account. The asset limit for SSI-related Medicaid for a group of two

is \$3000.00. Claimant's countable assets exceed the asset limit for the program. BEM 400 (May 2013), p. 6. Based on the evidence, the Department established it acted in accordance with policy when it denied Claimant's application for FAP and MA benefits. Claimant may reapply for benefits at any time if circumstances change.

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 did not act properly when it denied Claimant's May 9, 2013 application for FAP and MA due to excess income and/or assets.

Accordingly, the Department's MA FAP decision is hereby, **AFFIRMED**.

M. Howie

Michelle Howie
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 7/5/2013

Date Mailed: 7/5/2013

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.

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

MH/hw

cc:

