

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-50788  
Issue Nos.: 2026, 3002  
Case No.: [REDACTED]  
Hearing Date: June 27, 2013  
County: Wayne (82-55)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 June 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] as evidenced by written authorization submitted by Claimant to the Michigan Administrative Hearing System (MAHS) on June 26, 2013. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

1. Did the Department properly close Claimant's Medical Assistance (MA) coverage under the Ad-Care program and provide Claimant with MA coverage subject to a \$724 monthly deductible effective July 1, 2013?
2. Did the Department properly calculate Claimant's ongoing 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 recipient of MA coverage under the Ad-Care program.
2. Claimant had received ongoing monthly FAP benefits of \$66 since January 1, 2013.
3. On May 28, 2013, the Department sent Claimant a Notice of Case Action, notifying him that his Ad-Care coverage would close effective July 1, 2013, and he was

eligible for ongoing MA coverage under the Group 2 Aged, Blind, Disabled MA program subject to a monthly \$724 deductible.

4. On June 3, 2013, Claimant filed two hearing requests, one concerning his MA case and the other concerning his MA and FAP cases.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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 Mich Admin Code, R 400.3001 through R 400.3015.

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

Additionally, on May 28, 2013, the Department sent Claimant a Notice of Case Action notifying him that, effective July 1, 2013, his full-MA coverage under the Ad-Care program would close because his income exceeded the income limit for the program and he would be eligible for Group 2 Aged, Blind, Disabled (G2S) MA coverage subject to a monthly \$724 deductible. Claimant requested a hearing concerning both his MA and FAP programs.

### **MA Case**

Claimant's wife appeared at the hearing and testified that she and Claimant were married [REDACTED]. The Department credibly testified that Claimant did not report that he was married and the Department was not aware of the marriage until [REDACTED]. Although the Department was not aware of the marriage at the time it sent Claimant notice of its intended action, a review of the evidence shows that the addition of Claimant's wife to Claimant's MA cases reported [REDACTED], would affect MA benefits as of July 1, 2013, which is when the MA benefits were affected as indicated in the [REDACTED], Notice of Case Action. See BEM 211 (November 2012), pp. 5-6. The addition of Claimant's wife would change Claimant's MA eligibility status: if the Department verifies the marriage and Claimant's wife's testimony that she has no earned or unearned income and that the household's sole income is Claimant's monthly Retirement, Survivors, and Disability Insurance (RSDI) benefits of \$1,119, Claimant would be eligible for full-coverage MA coverage under the Ad-Care program. See RFT 242 (April 2103), p. 1. Thus, the Department did not act in accordance with Department

policy in concluding that as of July 1, 2013 Claimant was no longer eligible for Ad-Care coverage and was eligible for MA coverage subject to a \$724 monthly deductible.

### **FAP Benefits**

The Department also provided a FAP budget showing the calculation of Claimant's ongoing monthly FAP benefits based on Claimant being the sole member of the FAP group. Based on Claimant's monthly income of \$1,119 and monthly housing expenses of \$435, which Claimant's wife verified, and the absence of any verified medical expenses provided to the Department, a review of the budget shows that the Department acted in accordance with Department policy when it calculated Claimant's FAP net income of \$446 and his monthly FAP benefits of \$66. BEM 556 (July 2011); RFT 255 (October 2012), p. 1; RFT 260 (December 2012), p. 4.

The Department testified that it did not make any changes to Claimant's case pending the hearing but did intend to add Claimant's wife to Claimant's FAP case upon verification of the marriage and income information. The addition of Claimant's wife to Claimant's FAP group will affect Claimant's FAP eligibility and benefit amount for July 1, 2013, ongoing. BEM 212 (November 2012), pp. 1, 7. Claimant is advised to request a hearing if dissatisfied with the Department's actions concerning the recalculated FAP benefits or FAP eligibility.

### **DECISION AND ORDER**

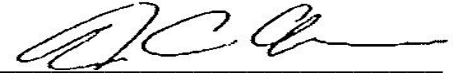
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that, based on information the Department received on May 28, 2013, concerning Claimant's marriage, the Department did not act in accordance with Department policy concerning Claimant's eligibility for MA for July 2013 ongoing but did act in accordance with Department policy concerning the FAP case.

Accordingly, the Department's decision is AFFIRMED IN PART with respect to its FAP decision and REVERSED IN PART with respect to its MA decision.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE MAILING DATE OF THIS DECISION:

1. Recalculate Claimant's MA eligibility and coverage for July 1, 2013, ongoing, to include Claimant's wife in his MA group, provided that Claimant provides any requested verifications;
2. Provide Claimant with the MA coverage he is eligible to receive from July 1, 2013, ongoing;
3. Notify Claimant in writing of its decision;

4. Act in accordance with Department policy in taking each of the preceding steps.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 2, 2013

Date Mailed: July 3, 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

ACE/pf

cc:

