

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-019508
Issue No.: 2001, 3001
Case No.: [REDACTED]
Hearing Date: February 11, 2015
County: SAGINAW

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 CFR 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 February 11, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant and her husband, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearings Facilitator [REDACTED].

ISSUE

Did the Department properly determine Claimant's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) 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 and her husband are on-going recipients of FAP and MA.
2. On September 5, 2014, the Department mailed to Claimant a Notice of Case Action (NCA) informing her that her FAP would be increasing to \$ [REDACTED] per month as of September 1, 2014.
3. On September 5, 2014, the Department also mailed to Claimant a Health Care Coverage Determination Notice informing her that she was eligible for MA as of August 1, 2014, and the Medicare Savings Program (MSP) as of October 1, 2014.

4. On December 1, 2014, the Department mailed to Claimant another Health Care Coverage Determination Notice informing her that her husband was eligible for the MSP as of January 1, 2015.
5. Yet another notice was mailed December 6, 2014, advising that Claimant's husband was eligible for the MSP as of December 1, 2014.
6. The Department received Claimant's hearing request on October 30, 2014, requesting a hearing on the issues of FAP and MA.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Claimant and her husband are frustrated that their FAP changes often for reasons that are not clear to them. They also are frustrated that their health care premiums are sometimes paid out of their Social Security Disability Income, and sometimes paid by the MSP.

Claimant previously had two grandchildren living with her. When the grandchildren moved out, her FAP was adjusted because the group size changed. She and her husband receive disability benefits. Those recently increased, and that increased caused a change in FAP. Their rent changed, and that changed their FAP. Just prior to her hearing request their FAP increased. That is not adverse action for which an appeal may be taken.

Regarding MA, they are both receiving benefits, including payment of their Medicare premiums. The Notices state, "If Medicare premiums are being deducted from your


check now, it will take about four months before your check actually changes. You will receive a refund from the Social Security Administration for premiums deducted since the effective date shown above.”

The Department provided budgets for the varying time periods at issue. The testimony from the Claimant and her husband supported the figures used in the budgets.

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 Department policy when it determined Claimant’s on-going eligibility for FAP and MA.

DECISION AND ORDER

Accordingly, the Department’s decision is **AFFIRMED**.



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/17/2015**

Date Mailed: **2/17/2015**

DJ/jaf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party’s Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed 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 wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

