

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-019557
Issue No.: 3008, 2000
Agency Case No.: [REDACTED]
Hearing Date: December 07, 2015
County: Wayne (15) Greydale

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 7, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] and [REDACTED], Eligibility Specialists.

ISSUE

1. Did the Department properly decrease the Petitioner's Food Assistance Program (FAP) benefits?
2. Did the Department properly close the Petitioner's Medical Assistance (MA) case?

FINDINGS OF FACT

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

1. The Petitioner was an ongoing recipient of MA (Healthy Michigan Plan (HMP)) and FAP benefits. The Petitioner began receiving Supplemental Security Income (SSI) in September 1, 2015, in the amount of \$ [REDACTED] Exhibit B.
2. The Department issued a Notice of Case Action on October 8, 2015, approving the Petitioner for \$ [REDACTED] in FAP benefits effective October 1, 2015. Exhibit A.

3. The Department gave the Petitioner a \$ [REDACTED] allowance for his telephone and no rent was included as part of the housing expenses. The Department included unearned income in the amount of \$ [REDACTED] which was incorrect.
4. The Department issued a Health Care Coverage Determination Notice on October 8, 2015, and closed the Petitioner's MA case (HMP) effective October 1, 2015, because he began receiving SSI. Exhibit C. The Petitioner has had continuous MA coverage ongoing; the coverage has changed from HMP to SSI Medicaid. Exhibit D.
5. The Petitioner requested a timely hearing on October 19, 2015, protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, the Department recalculated the Petitioner's FAP benefits as a result of the Petitioner beginning to receive SSI in the amount of \$ [REDACTED]. The Petitioner had no housing expenses except for the telephone and received a \$ [REDACTED] telephone allowance. The Department's FAP budget included the wrong unearned income amount of \$ [REDACTED] and thus, the Department must recalculate the FAP budget and correct the error and use unearned income of \$ [REDACTED]. Exhibit B. All other aspects of the budget appear correct including the standard deduction of \$ [REDACTED] which is deducted from the Petitioner's income; and the deduction is correct for an FAP group of one member. RFT 260, (October 1, 2015), p. 5; Exhibit A.

The Department closed the Petitioner's HMP and placed the Petitioner on SSI Medicaid because he began receiving MA SSI effective October 1, 2015. Exhibit D. The Petitioner did not miss any month of MA coverage; his coverage switched from Ad Care to SSI Medicaid.

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 did not act in accordance with Department policy when it calculated the Petitioner's FAP benefits and used the wrong unearned income. There is no issue that remains as regards the Petitioner's MA coverage, and the Department provided an eligibility summary confirming same. Exhibit D.

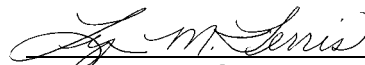
DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

The Petitioner's Request for hearing regarding his MA closure is **DISMISSED**.
It is so Ordered.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall recalculate the Petitioner's FAP benefits and determine the correct benefit amount.
2. The Department shall issue an FAP supplement to the Petitioner for FAP benefits the Petitioner is otherwise entitled to receive, if any, in accordance with Department Policy.



Lynn M. Ferris

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: **12/15/2015**

LMF/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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

