

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-001722
Issue No.: 2007, 3008
Case No.: [REDACTED]
Hearing Date: March 05, 2015
County: Oakland (2) (Madison Hts)

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 March 5, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant's father, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Assistance Payments Supervisor [REDACTED].

ISSUE

Did the Department properly determine Claimant's Medical Assistance (MA) deductible and her 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 is an on-going recipient of MA and FAP.
2. Claimant has unearned income of \$ [REDACTED] per month from RSDI.
3. Claimant's FAP is reduced by \$ [REDACTED] per month due to a recoupment of a past over-issuance of benefits.
4. Claimant owns a home and does not have any housing-related monthly debt payment.
5. Claimant pays property taxes and insurance associated with her home, which were not verified with the Department.

6. Claimant is in a group of one.
7. On October 29, 2014, the Department informed Claimant that her MA was subject to a monthly deductible of \$ [REDACTED] and she would be receiving FAP of \$ [REDACTED] monthly, less the \$ [REDACTED] recoupment.
8. The Department received Claimant's hearing request on January 22, 2015.

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.

The Department provided budgets explaining how it calculated Claimant's MA and FAP. The MA budget (Exhibit A Page 6) accurately reflects her income, an exclusion, and the protected income limit for a group of one in Oakland County. Oakland County is in Shelter Area VI per RFT 200 (12/1/13) which, per RFT 240 (12/1/13), allows her a protected income of \$408 per month. When her \$20 exclusion, and her \$408 protected income, are deducted from her \$1,152 income, she is left with a monthly deductible of \$724 per month.

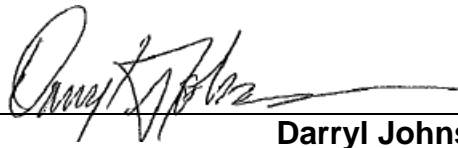
The FAP budget (Exhibit A Pages 8-10) explains how her monthly food assistance allotment was calculated. The Department allowed her housing expenses of \$ [REDACTED] per month, and the heat and utility standard of \$ [REDACTED] per month. Her total shelter expense is \$ [REDACTED]. That is reduced by \$ [REDACTED] which is 50% of her adjusted gross income, leaving her with an excess shelter deduction of \$ [REDACTED]. Testimony was presented during the hearing that she pays nearly \$ [REDACTED] annually for property taxes and insurance, but those expenses were not known to the Department previously so they correctly were not included in her budget. The budget accurately reflects the income and expenses known

to the Department at the time it issued its decision, including a \$ [REDACTED] monthly recoupment for a past OI.

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 MA deductible and her monthly FAP allotment.

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: **3/6/2015**

Date Mailed: **3/6/2015**

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:

