

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

IN THE MATTER OF:

██████████
██████████
██████████

MAHS Reg. No.: 15-021301
Issue No.: 2001; 3001
██████████
Hearing Date: February 03, 2016
██████████

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 February 3, 2016, from Lansing, Michigan. The Petitioner was present and testified on his own behalf with his wife, ██████████, as a witness. The Department was represented by ██████████, Hearing Facilitator, who testified on behalf of the Department.

ISSUE

Did the Department properly determine the Claimant's eligibility for Medical Assistance (MA) and 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. On September 8, 2015, the Claimant and his wife applied separately for MA and were incorrectly given separate cases by BRIDGES.
2. On September 18, 2015, the Claimant was denied the MA Cost Share Program (CSP) due to excess income and his wife was approved for CSP.
3. On October 30, 2015, the Department received a hearing request contesting the Department's negative action.
4. After receiving the hearing request, the Department reviewed the Claimant's case and made the following changes where the Claimant and his wife were put on the

same case, which resulted in them both not being eligible for CSP, the removal of a recurring medical expense of [REDACTED] that had been budgeted for FAP since 2013, resulting in a reduction of FAP benefits to [REDACTED] ongoing.

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 Claimant and his wife applied separately for MA and were incorrectly given separate cases by BRIDGES on September 8, 2015. On September 18, 2015, the Claimant was denied the MA Cost Share Program (CSP) due to excess income and his wife was approved for CSP. On October 30, 2015, the Department received a hearing request contesting the Department's negative action. After receiving the hearing request, the Department reviewed the Claimant's case and made the following changes where the Claimant and his wife were put on the same case, which resulted in them both not being eligible for CSP, the removal of a recurring medical expense of [REDACTED] that had been budgeted for FAP since 2013, resulting in a reduction of FAP benefits to [REDACTED] ongoing. RFT 242. BAM 402. BEM 105, 165, 211, 500, 503, 530, 545, 550, and 554.

During the hearing, the Department caseworker determined that the Claimant and his wife had been paying for additional medical prescription coverage that was not being deducted for FAP benefits. However, the Claimant and his wife do have excess income for MA CSP.

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 that the Claimant and his wife had excess income of MA CSP and did not act in accordance with Department policy when it failed to budget for FAP of the additional medical prescription coverage that the Claimant and his wife were paying.

DECISION AND ORDER

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

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. Initiate a redetermination of the Claimant's eligibility for FAP by budgeting the additional medical prescription coverage paid by the Claimant and his wife.
2. Provide the Claimant and his wife with written notification of the Department's revised eligibility determination.
3. Issue the Claimant and his wife any retroactive benefits she/he may be eligible to receive, if any.



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed:02/18/2016

CGF/ db

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:

[REDACTED]
[REDACTED]
[REDACTED]