



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 7, 2016
MAHS Docket No.: 16-015519

[REDACTED]
[REDACTED]

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 November 15, 2016, from Lansing, Michigan. The Petitioner was represented by himself and his wife, [REDACTED]. The interpreter was [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine the Petitioner'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. The Petitioner and his wife were a recipient of FAP and MA benefits.
2. On July 29, 2016, the Petitioner and his wife were no longer eligible for MA Group 2-Caretaker Relative due to excess income and a notice was sent. Department Exhibit 1, pgs. 18-21.
3. On July 29, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

4. On September 27, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605 that his FAP benefits would be increasing for a household composition of 6. Department Exhibit 1, pgs. 10-11.
5. On October 13, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 Petitioner and his wife were a recipient of FAP and MA benefits. On July 29, 2016, the Petitioner and his wife were no longer eligible for MA Group 2-Caretaker Relative due to excess income and a notice was sent. Department Exhibit 1, pgs. 18-21. On July 29, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. On September 27, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605 that his FAP benefits would be increasing for a household composition of 6. Department Exhibit 1, pgs. 10-11. On October 13, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BEM 500, 501, 505, 550, 554, and 556. BAM 105, 130, 220, 255, 260, and 600.

During the hearing, the Department Caseworker stated that the Petitioner had excess assets for MA because of a checking account balance of [REDACTED] Department Exhibit 1, pgs.25-29. As a result, he had excess assets for MA, which had an asset limit of [REDACTED] Department Exhibit 1, pg. 23. However, the Department did not meet their

burden to prove that that was the lowest balance for the month and that the employment income was removed from the balance. This Administrative Law Judge finds that the Petitioner had excess income for MA.

As a result of excess income, the Petitioner had an increase in FAP benefits. After deductions from his gross income of [REDACTED] of a [REDACTED] standard deduction and a [REDACTED] earned income deduction for an adjusted gross income of [REDACTED]. The Petitioner was given a total shelter deduction of [REDACTED] resulting from a housing expense of [REDACTED] and heat and utility standard of [REDACTED]. The Petitioner was given an adjusted excess shelter deduction of [REDACTED] with a total shelter deduction of [REDACTED] minus 50% of adjusted gross income of [REDACTED]. The Petitioner had a net income of [REDACTED] which was the adjusted gross income of [REDACTED] minus the excess shelter deduction of [REDACTED]. With a net income of [REDACTED], the Petitioner qualified with a household group size of 6 for a maximum benefit of [REDACTED] plus [REDACTED] in economic recovery minus 30% of net income of [REDACTED], resulting in a net benefit amount of [REDACTED]. Department Exhibit1, pgs. 12-14.

During the hearing, the Petitioner stated that they were no longer a family of 6, but of 5 because child E., left in August 16, 2016, but it was not reported to the Department. The Department will have to recalculate eligibility for FAP for a group size of 5.

DECISION AND ORDER

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 Petitioner had excess income for Group 2 MA Caretaker Relative and correctly determined their FAP benefits of [REDACTED] for a group size of 6 based on income.

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



Carmen G. Fahie

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]