



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: December 28, 2016
MAHS Docket No.: 16-017329
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 21, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Hearings Facilitator [REDACTED] [REDACTED] and Assistance Payments Supervisor [REDACTED] [REDACTED]

ISSUE

Did the Department properly determine 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. Petitioner was an on-going FAP and MA recipient who was receiving Supplemental Security Income (SSI).
2. In April 2016, her SSI ended, and she began receiving benefits from the Social Security Administration. The Department identifies the income as Retirement, Survivor's, and Disability Income (RSDI) (Exhibit H Page 4) but Petitioner denies that she is receiving RSDI.

3. Petitioner receives \$ [REDACTED] each month in RSDI; Petitioner testified that it is \$ [REDACTED] (Exhibit G Page 4).
4. On June 14, 2016, Petitioner asked the Department to cease providing her with FAP because she did not believe she was eligible in light of her increased unearned income, and a Notice of Case Action (Exhibit F) was mailed confirming the change was made on August 19, 2016.
5. In a Health Care Coverage Determination Notice (Exhibit F Pages 3 to 5) dated August 19, 2016, the Department informed Petitioner that she was approved for MA with a \$ [REDACTED] monthly deductible. The budget used in calculating her MA deductible is found in Exhibit H Page 13.
6. In addition to her RSDI, Petitioner also receives a pension (Exhibit H Page 2) of \$ [REDACTED] per month.
7. On November 9, 2016, the Department received Petitioner's hearing request in which she protested her FAP and MA benefits.

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, Petitioner asked the Department to close her FAP, which the Department did. During the hearing, Petitioner contended that the Department had been underpaying her FAP during some months which she could not specify. She had no evidence to identify the months when any such underpayment had occurred. She

cannot make a claim of error and then leave it up to the Administrative Law Judge to simply divine the validity of her claim without some evidence to support that claim.

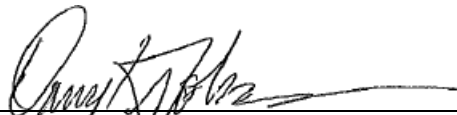
With respect to her MA deductible, the Department provided the budget (Exhibit H Page 13) used in calculating her deductible. In the instant matter, Petitioner lives in Shelter Area IV (██████████ County). RFT 200 (12/1/13). The fiscal group member number was 1 (the Petitioner). Petitioner's total net income is \$██████████ from RSDI and a pension. She is given a \$██████████ unearned income general exclusion. According to RFT 240, the protected income limit (PIL) for a group size of 1 in Shelter Area IV is \$██████████. The PIL subtracted from the net income is the remaining deductible. \$██████████ - \$██████████ = \$██████████ BEM 536. The appropriate MA deductible amount is \$██████████. The budget used by the Department actually reflects \$██████████ less in income, and thus \$██████████ less in her deductible. Because that favors Petitioner, and because the budget uses an income amount the Petitioner believes is correct, the error will be allowed to stand until the Department chooses to recalculate her deductible based upon changes in her income, changes in allowable expenses, or changes in policy.

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 closed Petitioner's FAP and determined her MA deductible.

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

DJ/mc



Darryl Johnson
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

DHHS

[REDACTED]

Petitioner

[REDACTED]