



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: May 23, 2016
MAHS Docket No.: 16-005191
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 May 18, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Eligibility Specialist, [REDACTED] [REDACTED]

This matter is consolidated with the Petitioner's hearing request for her Medical Assistance (MA) Case, 16-005427. The following exhibits were offered and admitted into evidence:

- Department:
- A--SOLQ printed April 19, 2016.
 - B--Bridges Individual Income Results.
 - C--April 1, 2016, SSI Related Medicaid Budget.
 - D--Food Assistance Program (FAP) Gross Income Test.
 - E--FAP Excess Shelter Deduction.
 - F--FAP budget.
 - G--March 30, 2015, Shelter Verification.
 - H--Duplicate of A.
 - I--May 1, 2016-May 31, 2016, FAP budget.
 - J--April, March, February, and January, 2016 and December 2015 FAP budgets.

Petitioner: None.

ISSUE

Did the Department properly determined the Petitioner's eligibility for MA and 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. The Petitioner is an ongoing recipient of FAP and MA benefits.
2. There are no Notice of Case Actions contained in the record.
3. On April 18, 2016, the Department received the Petitioner's written hearing request protesting monthly changes in her FAP account and the imposition of a \$ [REDACTED] deductible on her MA case.

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 testified that she has done her research and knows that she cannot have income-based Medicaid because she receives Medicare. The Petitioner testifies that she cannot afford a deductible of \$ [REDACTED] a month. Furthermore, the Petitioner states that she never knows what her monthly allotment will be for the FAP benefit. The Petitioner testified that she really needs help and that her health is declining because she cannot afford the medical treatment she needs.

The Petitioner's MA and FAP budgets were reviewed. The Petitioner did not contest the amount budgeted as income. A close review of the Petitioner's MA budget reveals that her monthly income is \$ [REDACTED] (RSDI). She was afforded the general unearned income exclusion and protected income limit was \$ [REDACTED]. This resulted in a deductible of \$ [REDACTED].

The Department testified that the Petitioner's FAP allotment changes depending on how much of a medical deduction she has in that budget. The Petitioner's standard eligibility allotment for FAP is \$ [REDACTED] yet when she submits a large amount of medical bills her monthly allotment can go as high as \$ [REDACTED]. The Department's FAP budgets in evidence support the Department's testimony in this regard.

Additionally, Bridges Eligibility Manual (BEM) 500 (2016) p. 3, addresses countable income. BEM 505 (2015) instructs Department workers to use gross income and to prospect income using a best estimate of income expected to be received during the month. BEM 541 addresses MA income deductions. After a close review of the relevant policies and the budgets in the record, the Administrative Law Judge concludes that the Department was acting in accordance with its policy when taking determining the Petitioner's eligibility for FAP and MA.

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 took action to determine the Petitioner's eligibility for FAP and MA.

DECISION AND ORDER

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



SH/nr

Susanne E. Harris
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]