



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 13, 2016
MAHS Docket No.: 16-016582

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 7, 2016, from Lansing, Michigan. The Petitioner was represented by himself. Petitioner's mother [REDACTED] also testified. The Department of Health and Human Services (Department) was represented by [REDACTED] FIS. Department Exhibit 1, pp. 1-17 was received and admitted.

ISSUE

Did the Department properly determine Petition's 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 a recipient of FAP and MA benefits.
2. Petitioner was awarded social security benefits and began receiving [REDACTED] per month in September 2016.
3. Petitioner's FAP benefits were reduced to [REDACTED] per month from [REDACTED] per month.
4. Petitioner was found to be eligible for MA with an [REDACTED] deductible.
5. On November 3, 2016, Petitioner requested hearing contesting the reduction of FAP benefits and MA deductible amount.

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 has unearned income of ██████ in the form of a social security benefits. After the ██████ unearned income exclusion, Petitioner has ██████ per month net unearned income. The protected income limit is ██████. Subtracting ██████ and ██████ for the insurance premium Petitioner pays from ██████ results with a deductible of ██████ per month. This is consistent with the determination made by the Department. Therefore the Department's determination of G2S coverage with an ██████ deductible is proper and correct. BEM 541 Petitioner testified that they have very high prescription drug costs and that their high deductible will put them in difficult financial circumstances. It was explained that the undersigned Administrative Law Judge can only review the Department action and determine if it comports with Department policy and there is no authority or jurisdiction to override Department policy based on the individual circumstances of the Petitioner.

In this case with regard to FAP benefits, Petitioner receives ██████ per month in gross income from his social security benefits. Petitioner has rental obligation of ██████ per month and is responsible for heat and utilities. After subtracting the ██████ standard deduction and the excess shelter deduction of ██████ Petitioner has net income of ██████ per month. An individual with ██████ per month net income is entitled to ██████ in FAP benefits. RFT 260 This was the amount determined by the Department and it was proper and correct. BEM 556

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 Petitioner's FAP benefits and MA deductible amount.

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




Aaron McClintic
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

