



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: February 16, 2017
MAHS Docket No.: 17-000375
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 6, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. Petitioner's husband, [REDACTED] also appeared. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly decrease Petitioner's FAP benefits to [REDACTED] per month effective [REDACTED]?

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 is an ongoing FAP recipient.
2. On [REDACTED], Respondent submitted a Redetermination to the Department.
3. The Department redetermined Petitioner's eligibility for FAP benefits on [REDACTED], which notified Petitioner that her FAP benefits would decrease to [REDACTED] per month effective [REDACTED].
4. Petitioner is an ongoing recipient of MA benefits.

5. Also on [REDACTED], the Department sent Petitioner a Health Care Coverage Determination Notice, which notified Petitioner that she and her husband were eligible for MA benefits subject to a deductible in the amount of [REDACTED] per month effective [REDACTED].
6. On [REDACTED] Petitioner filed a Request for Hearing disputing the Department's actions.

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.

Additionally, the Department is required to periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 (January 2017), p. 1. In this case, Petitioner submitted a Redetermination to the Department on [REDACTED]. As a result, the Department redetermined Petitioner's eligibility for FAP and MA benefits. The Department submitted a FAP budget in which the Department listed Petitioner's unearned income as [REDACTED]. The Department acknowledged that the correct unearned income amount is [REDACTED]. The Department also allowed Petitioner an ongoing medical expense in the amount of [REDACTED]. The Department conceded that Petitioner was entitled to an ongoing medical expense in the amount of [REDACTED].

The Department also submitted a MA budget in support of its contention that Petitioner and her husband were eligible for MA benefits subject to a deductible in the amount of [REDACTED]. In the budget submitted by the Department related to Petitioner's MA

benefits, it listed Petitioner's unearned income as [REDACTED]. As previously stated, the Department indicated that the correct household unearned amount is [REDACTED]. As such, the Department failed to establish that it properly decreased Petitioner's FAP benefits to [REDACTED] per month effective [REDACTED] or that it properly determined that Petitioner and her husband were eligible for MA benefits subject to a deductible in the amount of [REDACTED] effective [REDACTED].

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 did not act in accordance with Department policy when it decreased Petitioner's FAP benefits to [REDACTED] per month effective [REDACTED]. Additionally, 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 did not act in accordance with Department policy when it determined that Petitioner and her husband were eligible for MA benefits subject to a deductible in the amount of [REDACTED] effective [REDACTED].

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

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. Redetermine Petitioner's eligibility for FAP benefits effective [REDACTED];
2. Issue FAP supplements Petitioner was eligible to receive but did not effective [REDACTED];
3. Redetermine Petitioner's eligibility for MA benefits effective [REDACTED];
4. Issue MA supplements Petitioner was eligible to receive but did not effective [REDACTED] and [REDACTED];
5. Notify Petitioner in writing of its decision.

JM/hw



Jacquelyn A. McClinton

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]

[REDACTED]

Petitioner

[REDACTED]