



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 18, 2017  
MAHS Docket No.: 17-004652  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

### **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. After due notice, telephone hearing was held on May 10, 2017, from Lansing, Michigan. The Petitioner represented himself. The Department was represented by [REDACTED], Hearing Facilitator, and [REDACTED] Eligibility Specialist.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly deny Medical Assistance (MA) benefits based on income?

Did the Department of Health and Human Services (Department) properly determine Petitioner's monthly allotment of Food Assistance Program (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. Petitioner was an ongoing Medical Assistance (MA) and Food Assistance Program (FAP) recipient.
2. On February 9, 2017, the Department received Petitioner's completed Semi-Annual Contact Report (DHS-1046). Exhibit A, pp 21-22.
3. On March 29, 2017, the Department notified Petitioner that he was not eligible for Medical Assistance (MA) as of May 1, 2017. Exhibit A, pp 25-27.

4. On March 29, 2017, the Department notified Petitioner that he was approved for a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits, which was a reduction from previous months. Exhibit A, pp 28-29.
5. On April 5, 2017, the Department received Petitioner's request for a hearing. Exhibit A, pp 4-6.

### **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 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.

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 income limit to participate in the Healthy Michigan Plan (HMP) is 133% of the federal poverty level. Department of Health and Human Services Reference Table Manual (RFT) 246 (April 1, 2014), p 1.

Petitioner was an ongoing MA recipient under the HMP category when he provided the Department with an updated reporting of his household income. The Department determined that Petitioner receives an annual income of \$ [REDACTED] which represents 185% of the federal poverty level for 2017. On March 29, 2017, the Department notified Petitioner that he was no longer eligible for MA benefits under the HMP category as of May 1, 2017.

The Department's eligibility determination notice that HMP benefits would close improperly lists the income for the HMP category, which available for recipients between the ages of 19 and 64, under the HMP-U19 category, which is available for recipients between the ages of 1 and 18.

However, despite this incorrect listing of the income limit that applied to this closure of MA benefits in this case, Petitioner cannot establish that he is eligible for any category of Medicaid. Therefore, the closure of Petitioner's MA benefits must be upheld.

On March 29, 2017, the Department notified Petitioner that he was eligible for a \$ [REDACTED] monthly allotment of FAP benefits. This represents a reduction of the monthly allotment Petitioner was previously receiving and he requested a hearing questioning the amount of his monthly allotment of benefits, which he is entitled to do under BAM 600.


Petitioner did not dispute the Department's determination of his income or expenses as applied towards his current eligibility for FAP benefits. The Department established that the primary difference between his current benefits and his previous benefits is that he no longer has an obligation to pay for dependent care expenses other than child support. Without this ongoing expense as a deduction against Petitioner's current income, the Department established that it properly determined his current FAP benefits.

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 Medical Assistance (MA) benefits and reduced his monthly allotment of Food Assistance Program (FAP) benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
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]