



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: [REDACTED] June 9, 2017
MAHS Docket No.: 17-005147/17-006224
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 [REDACTED], from [REDACTED], Michigan. Petitioner was represented by himself; and his wife, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist; and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) based on his medical deductions?

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 eligible for FAP benefits with medical deductions based on Department policy.
2. Petitioner was eligible for the full FAP benefit for a household group of 2 for the year of [REDACTED], for maximum amount of \$ [REDACTED]. The months in contention are [REDACTED], and forward.
3. A prior administrative hearing decision, required the Department to re-determine Petitioner's eligibility for FAP, based on his medical expenses and Medicare part B

premiums for him and his wife. The administrative hearing decision was not included in the hearing packet.

4. On [REDACTED], the Department Caseworker sent Petitioner a notice that his FAP benefits were decreasing from \$ [REDACTED] to \$ [REDACTED] per month. Department Exhibit 1, pgs. 38-43. The decision notice was not included in the hearing the packet.
5. On [REDACTED], the Department Caseworker removed Part B Medicaid premium for Petitioner's wife, because a state online query (SOLQ) showed that she refused Part B Medicaid. Department Exhibit 2, pg. b.
6. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action.
7. On [REDACTED], the Department Caseworker sent Petitioner a notice that his FAP benefits were decreasing from \$ [REDACTED] to \$ [REDACTED]. Department Exhibit 1, pgs. 31-34.

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.

In this case, Petitioner was eligible for FAP benefits with medical deductions, based on Department policy. Petitioner was eligible for the full FAP benefit for a household group of 2 for the year of [REDACTED], for \$ [REDACTED]. The months in contention are [REDACTED], and forward. A prior administrative hearing decision, required the Department to re-determine Petitioner's eligibility for FAP based on his medical expenses and Medicare part B premiums for him and his wife. The administrative hearing decision was not included in the hearing packet. On [REDACTED], the Department Caseworker sent Petitioner a notice that his FAP benefits were decreasing from \$ [REDACTED] to \$ [REDACTED] per month. Department Exhibit 1, pgs. 38-43. The decision notice was not included in the hearing the packet.

On [REDACTED], the Department Caseworker removed Part B Medicaid premium for Petitioner's wife because an SOLQ showed that she refused Part B Medicaid.

Department Exhibit 2, pg. b. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action. On [REDACTED], the Department Caseworker sent Petitioner a notice that his FAP benefits were decreasing from \$ [REDACTED] to \$ [REDACTED]. Department Exhibit 1, pgs. 31-34. BAM 210. BEM 554.

During the hearing, the Department could not account for all the medical expenses. There were some medical expenses counted and others that were not counted, although the Department Caseworker provided a spreadsheet of what medical expenses she counted. Department Exhibit 2, pgs. c-d. There were still some expenses that had not been counted. As a result, the Department needs to redetermine FAP eligibility and ask Petitioner for his monthly expenses and verifications, to complete the spreadsheet, and keep the expenses together, so that if there is a hearing all the information is there and readily available for the months of [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. Petitioner is allowed to submit medical expenses, but there has to be a way for the Department to adequately keep track of the expenses.

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 determined Petitioner's eligibility for FAP benefits based on his medical deductions.

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 of initiating a redetermination of Petitioner's eligibility for FAP benefits; retroactive to [REDACTED], through [REDACTED], by sending out a new Verification Checklist, DHS 3503, for Petitioner to submit his ongoing medical expenses and maintaining a spreadsheet for each month with the corresponding medical expenses.

CF/bb



Carmen G. Fahie
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]