



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 5, 2017
MAHS Docket No.: 17-005404
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. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist, and [REDACTED], Family Independence Manager. An interpreter was used for interpretation in [REDACTED] of [REDACTED].

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP), and Medical Assistance (MA) benefits based on earned income?

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 and his wife were recipients of FAP and MA.
2. On [REDACTED], the Department Caseworker received a completed Redetermination Application, DHS 1010. Department Exhibit 1, pgs. 5-12.
3. On [REDACTED], the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that he and his wife were not eligible for MA, due to excess income. Department Exhibit 1, pgs. 33-37.

4. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action of closing the MA case and decreasing their FAP benefits, due to counting their earned income as bi-weekly instead of bi-monthly.

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 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 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 and his wife were recipients of FAP and MA. On [REDACTED], the Department Caseworker received a completed DHS 1010. Department Exhibit 1, pgs. 5-12. On [REDACTED], the Department Caseworker sent Petitioner a DHS 1606 notice, that he and his wife were not eligible for MA, due to excess income. Department Exhibit 1, pgs. 33-37. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action of closing the MA case and decreasing their FAP benefits, due to counting their earned income as bi-weekly instead of bi-monthly. BAM 220. BEM 110, 125, 126, 135, 163, 166, and 500.

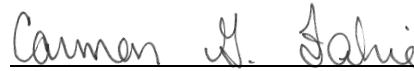
During the hearing, Petitioner stated that his wife is paid twice a month not bi-weekly. As a result of this settlement, the Department agreed to change the earned income back to bi-monthly and redetermine their eligibility for FAP and MA for the contested time period of [REDACTED]. There was no notice in the hearing packet for the FAP notice only the MA notice.

DECISION AND ORDER

The Administrative Law Judge concludes that the Department and Petitioner have come to a settlement regarding Petitioner's request for a hearing.

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 and MA retroactive to [REDACTED].

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]