RICK SNYDER

# STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS MICHIGAN ADMINISTRATIVE HEARING SYSTEM Christopher Seppanen Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed:

MAHS Docket No.: 17-006135

Agency No.:

Petitioner:

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 from the following properties of Health and Human Services (Department) was represented by Family Independence Manager; and Eligibility Specialist.

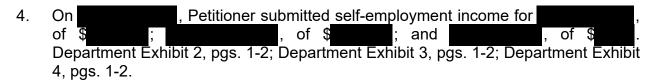
#### **ISSUE**

Did the Department properly determine Petitioner's eligibility for 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. On Petitioner applied for FAP and MA.
- 2. On per month in Social Security benefits. Department Exhibit 1, pg. 1.
- 3. On the partment sent Petitioner a Notice of Case Action that he was eligible for FAP for the month of the partment sent Petitioner a Notice of Case Action that he was eligible for FAP for the month of the partment sent Petitioner a Notice of Case Action that he was eligible for FAP for the month of the partment sent Petitioner a Notice of Case Action that he was eligible for FAP for the month of the partment sent Petitioner a Notice of Case Action that he was eligible for FAP for the partment sent Petitioner a Notice of Case Action that he was eligible for FAP for the partment sent Petitioner a Notice of Case Action that he was eligible for FAP for the partment sent Petitioner a Notice of Case Action that he was eligible for FAP for the partment sent Petitioner a Notice of Case Action that he was eligible for FAP for the partment sent petitioner a Notice of Case Action that he was eligible for FAP for the partment sent petitioner and petitioner and



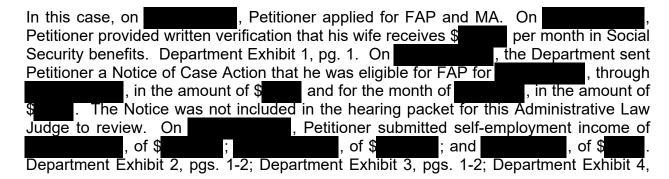
- 5. On employed as the effective effective period of the pe
- 6. On contesting the Department received a hearing request from Petitioner, contesting the Department's negative action.
- 7. On Petitioner's wife withdrew on the record for the MA portion of the hearing and the Department accepted her withdrawal.

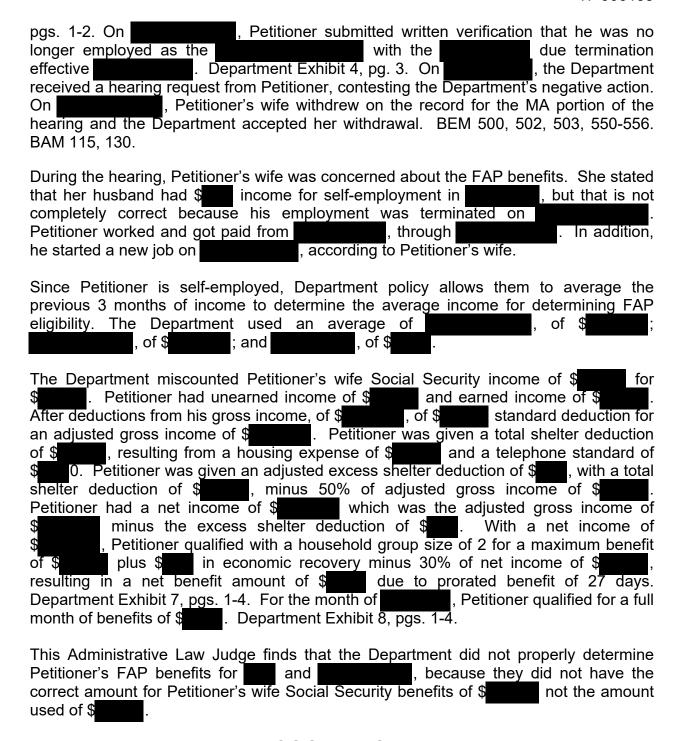
#### **CONCLUSIONS OF LAW**

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.





#### **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 did not use the proper amount of Social Security benefits of \$ when calculating FAP benefits.

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 retroactive to his FAP application dated social Security benefits, not \$ 100.000 and \$ 100.0000 are security benefits, not \$ 100.0000 are security benefits.

Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination and issue Petitioner any retroactive benefits he may be eligible to receive, if any.

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**

Petitioner

Authorized Hearing Rep.

