



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 12, 2017
MAHS Docket No.: 17-010034
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 September 5, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by [REDACTED]

ISSUE

Did the Department of Health and Human Services (Department) properly determine the amount of 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 is an ongoing Food Assistance Program (FAP) recipient as a group of one and she fits the Department's definition of a senior/disabled/veteran (SDV) benefit group.
2. On March 24, 2017, the Department received a pharmacy credit card receipt that does not show that the expense was an expense of Petitioner. Exhibit A, p 35.
3. On March 24, 2017, the Department received a Deductible Report (DHS-114A) that contained expenses that were not sufficiently verified. Exhibit A, p 37.
4. On April 21, 2017, the Department received a store pharmacy cash register receipt that does not include a date of service or verification that it was an expense of Petitioner. Exhibit A, p 39.

5. On June 27, 2017, the Department received a store pharmacy cash register receipt that does not show that the expense was an expense of Petitioner. Exhibit A, p 41.
6. On June 7, 2017, the Department received two store pharmacy cash register receipts that do not include verification that the expenses were expenses of Petitioner. Exhibit A, pp 43-45.
7. On June 27, 2017, the Department received a listing of pharmacy expenses that does not include verification that those expenses were expenses of Petitioner. Exhibit A, p 47.
8. On July 25, 2017, the Department received six copies of prescription medication labels that do not include verification of the date the medications were dispensed. Exhibit A, pp 50-53.
9. The Department credited Petitioner with countable medical expenses of \$ [REDACTED] in May of 2017, \$ [REDACTED] in June of 2017, \$ [REDACTED] in July of 2107, and \$ [REDACTED] in August of 2017. Exhibit A, pp 55-61.
10. On July 26, 2017, the Department received Petitioner's request for a hearing protesting the amount of her monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, p 5.

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 Department will consider only the medical expenses of senior/disabled/veteran (SDV) persons in the eligible group or SDV persons disqualified for certain reasons. A FAP group is not required to, but may voluntarily report changes during the benefit period. The Department will process changes during the benefit period only if they are one of the following:

- Voluntarily reported and verified during the benefit period such as expenses reported and verified for MA deductible.

- Reported by another source and there is sufficient information and verification to determine the allowable amount without contacting the FAP group.

Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2015), pp 8 – 9.

The Medical Expenses amount is determined by totaling allowable monthly medical expenses (rounded to whole dollar amounts) and reducing this amount by a \$ [REDACTED] medical deduction. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (July 1, 2013), p 4.

Petitioner is an ongoing FAP group of one and the Department did not dispute that she is classified as an SDV benefit group. Petitioner provided the Department with several receipts and documents claiming that she is entitled to deductions against countable income for the purposes of determining her monthly allotment of FAP benefits as directed in BEM 554. When the Department failed to allow deductions for some of those receipts, Petitioner requested a hearing.

After hearing Petitioner's explanation of the circumstances surrounding the receipts that she submitted to the Department, this Administrative Law Judge finds that the Department credibly determined that the receipts are insufficient verification that they are countable expenses as defined by BEM 554.


Although BEM 554 allows an SDV group to claim a deduction for the cost of prescription medication, the receipts submitted by Petitioner do not verify that these expenses were her own expenses. Other receipts do not verify that the expenses were incur during a relevant period for Petitioner to claim those expenses.

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 determined that the receipts submitted by Petitioner were insufficient verification of allowable expenses for the purposes of determining her eligibility for Food Assistance Program (FAP) benefits as directed by BEM 554.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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]