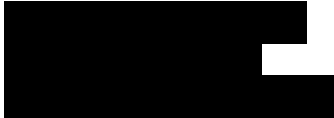




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 19, 2017
MAHS Docket No.: 17-010686
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 12, 2017, from Lansing, Michigan. The Petitioner represented himself. The Department was represented by [REDACTED] [REDACTED] Hearing Facilitator. [REDACTED] [REDACTED] acted as translator for Petitioner.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's 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 Food Assistance Program (FAP) recipient as a group of six.
2. The Petitioner receives monthly earned income in the gross monthly amount of \$ [REDACTED] Exhibit A, p 5.
3. Two members of Petitioner's household each receive monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED] and they also each receive State Supplemental Security Income (SSP) in the gross monthly amount of \$ [REDACTED] Exhibit A, p 9.
4. On July 6, 2017, the Department notified Petitioner that he was no longer for Food Assistance Program (FAP) benefits effective August 1, 2017. Exhibit A, pp 3-4.

5. On August 3, 2017, the Department received Petitioner's request for a hearing protesting the closure of his Food Assistance Program (FAP) benefits. Exhibit A, p 1.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2017).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (July 1, 2014), pp 7-8.

Petitioner was an ongoing FAP recipient as a group of six. Petitioner receives monthly earned income in the gross monthly amount of \$ [REDACTED] which was determined by

multiplying the average of his gross weekly earnings by the 4.3 conversion factor as directed by BEM 505. Two members of Petitioner's household each receiving monthly SSI benefits in the gross monthly amount of \$ [REDACTED] and SSP in the gross monthly amount of \$ [REDACTED] which was determined by dividing their quarterly paid benefit by 3.

Petitioner's adjusted gross income of \$ [REDACTED] was determined by reducing the total household monthly income by the \$220 standard deduction and the 20% earned income deduction. Petitioner is not entitled to a deduction for shelter expenses because his monthly shelter expenses are less than 50% of his adjusted gross income.

Therefore, Petitioner's net income is the same as his adjusted gross income. The net income limit for a group of six to remain eligible for FAP benefits is \$ [REDACTED] Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2016), p 1.

Petitioner testified that his income has changed since July 6, 2017. Any changes in circumstances after that day may affect his eligibility for future benefits, but the Department's determination of eligibility as of that date was in accordance with policy.


The Department's representative testified that Petitioner's MA benefits were closed but later restored because he had provided the Department with the information necessary to accurately determine his eligibility for MA benefits. Since Petitioner's MA benefits have been restored, there has been no negative action with respect to those MA 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 determined Petitioner's eligibility for Food Assistance Program (FAP) benefits as of July 6, 2017.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED with respect to the Food Assistance Program (FAP). Petitioner's hearing request is DISMISSED with respect to Medical Assistance (MA).

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]