



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: April 19, 2017
MAHS Docket No.: 17-003449
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 April 11, 2017, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager.

ISSUE

Did the Department properly determine that the Petitioner had excess income for Food Assistance Program (FAP) and Medical Assistance (MA) Healthy Michigan Program (HMP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was a recipient of FAP and HMP benefits.
2. On March 1, 2017, the Petitioner submitted written verification that she changing from part-time to full time employment effective February 13, 2017. Department Exhibit 1, pgs. 10.
3. On March 3, 2017, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, which her HMP case would close effective April 1, 2017. Department Exhibit 2, pg. 2-5.

4. On March 9, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
5. On March 10, 2017, the Department sent the Petitioner a Notice of Case Action, DHS 1605, which her FAP benefits would decrease to \$ [REDACTED] effective April 1, 2017. Department Exhibit 1, pg. 7-8.

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.

In this case, the Petitioner was a recipient of FAP and HMP benefits. On March 1, 2017, the Petitioner submitted written verification that she changing from part-time to full time employment effective February 13, 2017. Department Exhibit 1, pgs. 10. On March 3, 2017, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, which her HMP case would close effective April 1, 2017. Department Exhibit 2, pg. 2-5. On March 9, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. On March 10, 2017, the Department sent the Petitioner a Notice of Case Action, DHS 1605, which her FAP benefits would decrease to \$ [REDACTED] effective April 1, 2017. Department Exhibit 1, pg. 7-8. BEM 400, 500, and 702. BAM 115, 130, 210, and 220. RRT 250.

During the hearing, the Department stated that the Petitioner had excess income, which resulted in a decrease of her FAP benefits from \$ [REDACTED] to \$ [REDACTED] due to earned income from the Petitioner. As a result of excess income, the Petitioner FAP case closed. The Petitioner had earned income of \$ [REDACTED]. After deductions from her gross income of \$ [REDACTED] earned income deduction, and \$ [REDACTED] standard deduction for an adjusted gross income of \$ [REDACTED]. The Petitioner was given a total shelter deduction of \$ [REDACTED].

resulting from a housing expense of \$ [REDACTED] and heat and utility standard of \$ [REDACTED]. The Petitioner was given an adjusted excess shelter deduction of \$ [REDACTED] with a total shelter deduction of \$ [REDACTED] minus 50% of adjusted gross income of \$ [REDACTED]. The Petitioner had a net income of \$ [REDACTED] with an adjusted gross income of \$ [REDACTED] minus an adjusted excess shelter deduction of \$ [REDACTED]. With a net income of \$ [REDACTED] the Petitioner exceeded the income limit for a group composition of 3 of \$ [REDACTED]. Department Exhibit 2, pgs. 14-16.

The Petitioner also had excess income for HMP, which resulted in her HMP being closed. She had an annual salary of \$ [REDACTED] (Department Exhibit 1, pg.10), which exceeded the household group composition size of 3 of \$ [REDACTED]. Department Exhibit 2, pg.3.

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 Petitioner had excess income from earned income resulting in the closure of her FAP and HMP cases.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**. The Petitioner had excess income from earned income resulting in the closure of her FAP and HMP cases.

Carmen G. Fahie

CF/nr

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]