



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: February 28, 2018  
MAHS Docket No.: 18-000828  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

**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; 42 CFR 438.400 to 438.424; 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 February 26, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Worker.

**ISSUE**

Did the Department fail to take action or take improper action on Petitioner's Food Assistance Program (FAP) benefits after submission of Petitioner's medical expense information?

**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 January 4, 2018, the Department received proof of a medical expense from Petitioner that he wanted considered as part of his FAP calculation.
2. On January 10, 2018, the Department issued a Verification Checklist (VCL) with a due date of January 22, 2018, requesting additional information about the medical expense.
3. On January 18, 2018, the Petitioner filed a hearing request disputing the need for additional information about the medical expense and the failure to include the medical expense in the calculation of his FAP benefits.

## **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.

In this case, Petitioner disputes the need for additional information regarding his medical expense and the Department's failure to take action once the medical expense was provided.

In calculating a FAP Budget, the Department can include a medical expense deduction for individuals who are Senior, Disabled, or a Disabled Veteran (SCV). BEM 550 (January 2017), pp. 1-2; BEM 554 (August 2017), pp. 8-9; BEM 556 (July 2013), pp. 3-4. The medical expense deduction is the value of the verified medical expense which exceeds \$ [REDACTED] BAM 554, p. 1. Neither party disputes that the Petitioner was eligible for medical expense deductions in his FAP budget calculation. Allowable medical expenses include prescription drugs, the postage for mail-ordered prescriptions, over-the-counter medication (including insulin) and other health-related supplies when recommended by a licensed health professional among other things. BEM 554, p. 10.

Petitioner testified that he submitted the receipt and prescription information at the same time. The Department testified that it only received the receipt. Petitioner provided no proof of his submission of the prescription information other than his testimony. The receipt lists a pharmacy item number, but does not list any other information detailing what was purchased. The prescription information which Petitioner indicates was sent with the receipt, identifies the prescription number, matching the number on the receipt. However, the receipt received by the Department lists in the top right corner that the fax was received as Page 1 of 1. Therefore, based upon the evidence presented, the Department did not receive the prescription information and instead only received the receipt.

Since the Department did not have enough information about the purchase from the pharmacy, the Department requested additional information about the purchase by issuing the VCL. The VCL states

The receipt turned in on 01/04/2018 does not provide the minimum necessary information to determine if the expense is creditable to your food assistance. Please provide a signed statement from the pharmacy to verify the type of the expense i.e. prescription, over-the-counter medication, medical equipment, or other type of expense. If the expense was for over-the-counter medication or medical equipment, you will also need to provide a signed statement from your doctor.

Policy provides that verification sources include current bills or written statements from the provider showing amounts paid by, or to be paid by, insurance, Medicare, or Medicaid; written statements from licensed health care professionals; and other items. BEM 554, p. 12. Given that the receipt was unclear on the nature of the purchase, the request for additional information is consistent with policy.

Turning to the Department's timeliness in taking action, policy provides that when a client reports a change to the Department, the Department has 10 days for the full standard of promptness to process the change and take action. BAM 220 (January 2018), p. 7. Since the Department received notice of the medical expense on January 4, 2018, and sent a VCL on January 10, 2018, the Department's actions were timely and consistent with policy.

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 requested additional information regarding Petitioner's medical expense.

#### **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.



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**Amanda M. T. Marler**  
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]

**Petitioner**

[REDACTED]  
[REDACTED]  
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