



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 12, 2018
MAHS Docket No.: 18-001330
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 March 7, 2018, from [REDACTED] Michigan. Petitioner represented herself. The Department was represented by [REDACTED]

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA)?

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) and Medical Assistance (MA) recipient as a group of one when the Department received her Mid-Certification Contact Notice (DHS-2240-A) on November 17, 2017. Exhibit A, pp 1-3.
2. On November 17, 2017, the Department received verification of Petitioner's obligation to pay monthly rent of \$ [REDACTED] Exhibit A, p 4.
3. The Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED] Exhibit A, pp 5-7.
4. On December 15, 2017, the Department notified Petitioner that she was approved for ongoing Food Assistance Program (FAP) benefits with a \$ [REDACTED] monthly allotment effective January 1, 2018. Exhibit A, pp 8-11.

5. On December 15, 2017, the Department notified Petitioner that she was no longer eligible for Medical Assistance (MA) because her countable assets exceeded the limit effective January 1, 2018. Exhibit A, pp 13-17.
6. On February 12, 2018, the Department notified Petitioner that she was approved for Medical Assistance (MA) under the AD-CARE category effective January 1, 2018. Exhibit A, p 27.
7. On January 29, 2018, the Department received Petitioner's request for a hearing.

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.

On November 17, 2017, the Department received Petitioner's Mid-Certification Contact Notice (DHS-2240-A) showing that she owns a life insurance policy. On December 15, 2017, the Department notified Petitioner that she was no longer eligible for MA benefits because her countable assets exceeded the \$2,000 limit. See BEM 400. On February 12, 2018, the Department determined that the life insurance policy that contributed to the closure of her MA benefits was exempt from countable assets. Petitioner is approved for "full Medicaid" effective January 1, 2018, and ongoing.

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.

Petitioner is an ongoing FAP recipient as a group of one. Petitioner received RSDI in the gross monthly amount of \$ [REDACTED]. Petitioner's adjusted gross income of \$ [REDACTED] was determined by reducing her monthly income by the \$ [REDACTED] standard deduction.

Petitioner is entitled to a \$ [REDACTED] excess shelter deduction, which was determined by adding her \$ [REDACTED] monthly rent obligation to the \$ [REDACTED] standard heat and utility deduction, then subtracting 50% of her adjusted gross income.

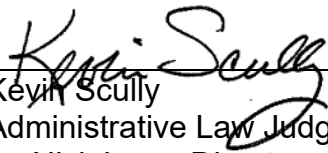
Petitioner's net income of \$ [REDACTED] was determined by reducing her adjusted gross income by her excess shelter deduction. A group of one with a net income of \$ [REDACTED] is entitled to a \$ [REDACTED] monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2017), p 7.

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 Medical Assistance (MA) and Food Assistance Program (FAP) effective January 1, 2018.

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]