



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: September 14, 2018
MAHS Docket No.: 18-007169
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 August 15, 2018, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Alesha Klein and Amy Gearheart.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Family Independence Program (FIP), Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) 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. On [REDACTED], 2018, the Department received Petitioner's application for Family Independence Program (FIP), Food Assistance Program (FAP), Child Development and Care (CDC), and Medical Assistance (MA) benefits.
2. On June 14, 2018, the Department received copies of Petitioner's paycheck stubs showing that she received earned income in the gross weekly amounts of \$586.78 on May 25, 2018, \$578.16 on June 1, 2018, \$539.02 on June 8, 2018, and \$537.40 on June 15, 2018. Exhibit A, pp 12-15.
3. On June 15, 2018, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective June 1, 2018. Exhibit A, pp 5-8.

4. On July 6, 2018, the Department received Petitioner's request for a hearing. Exhibit A, pp 2-3.

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).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2018), pp 3-4.

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).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of

Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The FIP monthly assistance payment standard for a group of three is \$492. Department of Health and Human Services Reference Table Manual (RFT) 210 (April 1, 2017), p 1.

No evidence was presented on the record that Petitioner is disabled and her gross monthly earned income clearly exceeds the limit for her to become eligible for FIP benefits listed in RFT 210 because each of her weekly paychecks exceeds the payment standard.

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.

Petitioner testified that she did not apply for MA benefits for herself and did not dispute that her two children have been approved for MA benefits. Therefore, Petitioner's July 6, 2018, hearing request does not raise an issue that entitled her to an administrative hearing as defined in BAM 600.

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 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 (October 1, 2017), pp 7-8.

On [REDACTED] 2018, Petitioner applied for FAP benefits as a group of three. Petitioner verified her gross earned income from employment to the Department. The Department determined that Petitioner receives a prospective monthly income of \$2,408 by multiplying the average of her weekly paycheck amounts by the 4.3 conversion factor as required by BEM 505. The monthly gross income limit for a group of three is \$2,213. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2017), p 1. Therefore, Respondent is not eligible for FAP benefits.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child

Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

One [REDACTED], 2018, Petitioner applied for CDC benefits as a group of three. Petitioner receives a prospective monthly income of \$2,408, which was determined from the 30-day of earned income that she provided verification for. The initial income limit to become eligible for CDC benefits is \$2,213. Department of Health and Human Services Reference Table Manual (RFT) 270 (July 1, 2018), p 2. Therefore, Petitioner is not eligible for CDC benefits.

Petitioner argued that the Department failed to account for her expenses and that her gross income from employment is not available to her.

However, the Department is required to consider gross income received within the household when determining eligibility for assistance. Further, the Department's policies acknowledge that the amount of countable income used to determine eligibility may be higher than the amount actually received by the client.

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 Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits based on her gross earned income from employment.

Since Petitioner failed to establish that Medical Assistance (MA) benefits were denied or the level of benefit were reduced, Petitioner's July 6, 2018, request for a hearing is dismissed with respect to Medical Assistance (MA) only.

DECISION AND ORDER

Accordingly, the Department's decision denying Petitioner's application for Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits is AFFIRMED.

Petitioner's request for a hearing is dismissed with respect to Medical Assistance (MA).

KS/hb



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) 763-0155; 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

Jennifer Dunfee
692 E. Main
Centreville, MI 49032

St. Joseph County, DHHS

BSC3 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

G. Vail via electronic mail

L. Brewer-Walraven via electronic mail

Petitioner

[REDACTED]
MI