



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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Date Mailed: April 11, 2019
MAHS Docket No.: 19-002011
Agency No.: ██████████
Petitioner: ██████████

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 April 3, 2019, from Lansing, Michigan. The hearing was consolidated with a hearing filed under MAHS Docket No. 19-002146 without objection and held concurrently with that request for a hearing dealing with the same subject matter. Petitioner represented herself, and her daughter ██████████ testified on her behalf. The Department was represented by Nikeva Mays and Crystal Hackney.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for cash assistance, Medical Assistance (MA), and 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. On ██████████ 2018, the Department received Petitioner's application for Medical Assistance (MA), Food Assistance Program (FAP), and State Disability Assistance (SDA) benefits. The Department denied the application for Food Assistance Program (FAP) benefits. Exhibit A, p 4. See MAHS Docket No. 18-009716.
2. Petitioner's daughter, ██████████, was born on ██████████ 1999. See MAHS Docket No. 19-002146.

3. On September 25, 2018, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective August 1, 2018. Exhibit A, pp 23-26.
4. On December 4, 2018, the Michigan Administrative Hearing System (MAHS) issued a Hearing Decision upholding the denial of an application for State Disability Assistance (SDA) benefits in August of 2018 by [REDACTED], and a request for rehearing and/or reconsideration was denied on February 5, 2019. See MAHS Docket No. 18-009716.
5. On December 4, 2018, the Michigan Administrative Hearing System (MAHS) ordered the Department to redetermine Petitioner's eligibility for Food Assistance Program (FAP) benefits. See MAHS Docket No. 18-009716.
6. On December 11, 2018, the Department filed an Administrative Hearing Order Certification (DHS-1843) certifying that eligibility for the Food Assistance Program (FAP) was redetermined in accordance with policy. Exhibit A, p 9.
7. Petitioner receives monthly income in the gross monthly amount of [REDACTED]. Exhibit A, p 35.
8. The Department approved Petitioner for Medical Assistance (MA) under the MA-G2S category with a [REDACTED] monthly deductible from August 1, 2018, through April 1, 2019. Exhibit A, p 33.
9. On February 22, 2019, the Department received Petitioner's request for a hearing. Exhibit A, p 2.

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.

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.

A Family Independence Program (FIP) benefit group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. Department of Human Services Bridges Eligibility Manual (BEM) 210 (April 1, 2017), p 1.

Petitioner is not eligible for FIP benefits because she is not the caretaker of a dependent child under the age of 18.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. Parents and their children under 22 years of age who live together must be in the same group. Department of Human Services Bridges Eligibility Manual (BEM) 212 (January 1, 2017), p 1.

Petitioner receives a gross monthly income of ██████, which was not disputed during the hearing. As a group of two, Petitioner is not eligible for FAP benefits because her gross monthly income exceeds ██████ of the federal poverty level. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2018), p 1. It is not clear that Petitioner has established jurisdiction to challenge the Department's denial of FAP benefits, but if she is entitled to a hearing on that issue, Petitioner has failed to establish eligibility for FAP benefits.

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 105 (April 1, 2017), p 2.

Petitioner is not eligible for "full Medicaid" under the MA-ADCARE category because her gross monthly income exceeds ██████ of the federal poverty level. Department of Health and Human Services Bridges Eligibility Manual (BEM) 163 (July 1, 2017), p 1.

A review of Petitioner's case reveals that the Department budgeted the correct amount of income received by the Petitioner. Petitioner's "protected income level" is ██████, and this amount cannot be changed either by the Department or by this Administrative Law Judge. Department of Human Services Reference Table Manual (RFT) 240 (December 1, 2013), p 1. Department's determination that the Petitioner has a ██████ deductible per month that must be met in order to qualify for MA for any medical expenses above is therefore correct.

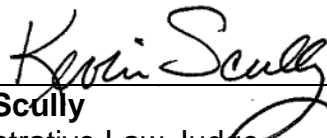
The evidence supports a finding that Petitioner is eligible for MA benefits and has been placed in the most beneficial category she is eligible for since August 1, 2018.

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), Medical Assistance (MA), and Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Robert Gordon, 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

