



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

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Date Mailed: April 30, 2019  
MOAHR Docket No.: 19-003049  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 April 24, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Valerie Foley, Hearing Facilitator. Department Exhibit 1, pp. 1-32 was received and admitted.

### **ISSUE**

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefits and close Medical Assistance- Health Michigan Plan (MA-HMP) due to increase in income?

### **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 ██████████ ██████████ 2019, Petitioner submitted redetermination paperwork.
2. Petitioner earned \$██████████ in employment income in the 30 days previous to the review of her income. (Ex. 1, p.19)
3. On March 20, 2019, a Notice of Case Action was sent to Petitioner informing her that her FAP benefits would be reduced from \$132 to \$15. (Ex. 1, pp. 24-27)
4. On March 20, 2019, a Health Care Coverage Determination Notice was sent to Petitioner informing her that MA-HMP case would close effective May 1, 2019, due to excess income. (Ex.1, pp. 28-31)

5. On March 25, 2019, Petitioner requested hearing contesting the reduction of FAP and closure of MA-HMP.

### **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, Petitioner disputed the reduction of her FAP allotment and closure of HMP. Petitioner did not dispute the income amount budgeted by the Department or the amount of shelter expense. Petitioner receives \$ [REDACTED] in earned income. After deducting the earned income deduction of \$ [REDACTED] the \$158 standard deduction, and excess shelter deduction of \$336 Petitioner has \$ [REDACTED] in net income. A recipient who has \$ [REDACTED] in net income is entitled to \$15 in monthly FAP benefit. This is the amount determined by the Department and it is proper and correct. RFT 260, BEM 556, 7 CFR § 273.9

With regard to MA-HMP, Petitioner has annualized income of \$ [REDACTED] based on a review of her employment income in the 30 days prior to the review. The income limit for HMP is \$16,146 therefore the closure due to excess income was proper and correct. 42 CFR 435.119

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 reduced Petitioner's FAP benefit and closed her MA-HMP case.

**DECISION AND ORDER**

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

AM/nr



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Aaron McClintic  
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Susan Noel  
Wayne-Inkster-DHHS  
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**Petitioner**

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