



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: February 12, 2018
MAHS Docket No.: 18-000154
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an administrative hearing was held on February 7, 2018, from Lansing, Michigan. The Petitioner appeared and testified. The Department of Health and Human Services (Department or Respondent) was represented by Perry Steiner, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) and change Petitioner's Medicaid (MA) case to a spend-down due to an increase in income at redetermination?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times prior to the redetermination at issue herein, Petitioner was and has been a beneficiary of the FAP and MA welfare programs.
2. Respondent conducted a redetermination of Petitioner's cases in October 2017. Pursuant to the verifications provided by Petitioner and Respondent's wage/child support match systems, Respondent applied the new figures to Petitioner's FAP and MA budgets. Exhibits 24-26.

3. On December 18, 2017, Respondent issued a Notice of Case Action informing Petitioner that her FAP authorization would be reduced to 0 effective 1/1/18 – ongoing. Exhibit A. Respondent also informed Petitioner that her MA will change to an \$856.00 deductible. See Exhibit A.26.
4. On January 2, 2018, Petitioner filed a hearing request.
5. Claimant stipulated at the administrative hearing that she does not dispute the Child Day Care Program.
6. Petitioner does not dispute the figures used in the FAP and MA budgets at the time Respondent calculated eligibility.
7. Petitioner's income and child support payments are irregular.

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 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 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, as noted in the Findings of Facts, Petitioner does not dispute the income used by Respondent based on Petitioner's verifications at the time that the FAP and MA

budgets and eligibility were calculated for Petitioner's redetermination. Rather, Petitioner argues that her income and child support payments are irregular.

A review of the evidentiary record under the applicable federal and state law, and, department policy indicates that the calculation of Petitioner's eligibility was correct. Petitioner did not dispute the calculation, and, Petitioner did not submit any contrary evidence.

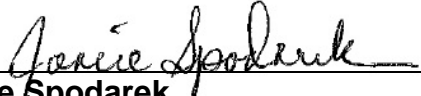
Beneficiary's who dispute an eligibility determination have the burden of proof by a preponderance of evidence. Here, Petitioner did not meet that burden. Thus, based on the record established in this matter and the applicable law, the Agency's FAP and MA budgets were correct, and the actions taken, upheld.

Petitioner understands that as her income and child support are irregular, Petitioner can submit documentation to the Respondent at any time to have her eligibility recalculated.

DECISION AND ORDER

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

JS/hb



Janice Spodarek
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

Lindsay Miller
125 E. Union St 7th Floor
Flint, MI 48502

Genesee County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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MI [REDACTED]