



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: March 27, 2019
MAHS Docket No.: 19-001644
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 21, 2019, from Lansing, Michigan. Petitioner was represented by his sister, [REDACTED]. The Department was represented by Candice Bennis.

ISSUE

Did the Department of Health and Human Services (Department) properly determined Petitioner's eligibility for 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 January 8, 2019, the Department received Petitioner's application for assistance and retroactive benefits. Exhibit A, pp 18-21.
2. On January 8, 2019, the Department notified Petitioner that he was eligible for Medical Assistance (MA) effective November 1, 2018. Exhibit A, p 22.
3. On January 8, 2019, the Department notified Petitioner that he was eligible for a \$123 monthly allotment of Food Assistance Program (FAP) benefits effective January 8, 2019. Exhibit A, p 28.
4. On February 11, 2019, the Department notified Petitioner that he was eligible for Medical Assistance (MA) effective January 1, 2019. Exhibit A, p 23.

5. On February 11, 2019, the Department notified Petitioner that he was eligible for a \$33 monthly allotment of Food Assistance Program (FAP) benefits effective February 1, 2019. Exhibit A, p 30.
6. On February 21, 2019, the Department received verification of Petitioner's obligation to pay for electric service at his home. Exhibit A, p 32.
7. On February 21, 2019, the Department notified Petitioner that he was eligible for a \$73 monthly allotment of Food Assistance Program (FAP) benefits effective March 1, 2019. Exhibit A, p 33.
8. On February 11, 2019, the Department received Petitioner's request for a hearing. Exhibit A, pp 2-4.

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.

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.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2018), p. 6, provides in relevant part as follows:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

Petitioner's MA and FAP benefits closed effective November 1, 2018. Petitioner's February 11, 2019, request for a hearing is not timely with respect to that closure.

On January 8, 2019, the Department received Petitioner's application for FAP, MA, and retroactive MA. Petitioner was approved for MA and retroactive MA.

Petitioner receives social security benefits in the gross monthly amount of \$1,114. Petitioner's adjusted gross income of \$834 was determined by reducing the gross monthly income by a \$20 dependent care deduction, Petitioner's \$101 of medical expenses that exceed \$35, and the \$158 standard deduction.

Petitioner is entitled to a \$304 shelter deduction, which was determined by adding his \$600 housing expenses to the \$91 water standard deduction and the \$32 telephone standard deduction, then subtracting 50% of his adjusted gross income.

Petitioner's net income of \$529 was determined by reducing the adjusted gross income by the \$304 shelter deduction. A group of one with a net income of \$529 is entitled to a \$33 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2018).

On February 21, 2019, the Department received verification of Petitioner's obligation to pay for electric service.

The Department will verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, the Department will remove the old expense until the new expense is verified. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (August 1, 2017), p 14.

Petitioner had reported his utility bills, but the Department was unable to allow a deduction for electric service until that expenses was verified on February 21, 2019. After this bill was verified, the Department added a \$135 standard deduction for electric service to this FAP budget. Petitioner's new shelter deduction of \$439 was determined by adding his \$600 housing expenses to the \$135 electric standard deduction, the \$91 water standard deduction, the \$31 telephone deduction, then subtracting 50% of his adjusted gross income.

Petitioner's net income effective March 1, 2019, of \$394 was determined by reducing the adjusted gross income by the new shelter deduction. A group of one with a net income of \$394 is entitled to a \$73 monthly allotment of FAP benefits. RFT 260.

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), retroactive 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

DHHS

Deborah Little
5131 Grand River Ave.
Detroit, MI 48208

Wayne County (District 49), DHHS

BSC4 via electronic mail

EQAD via electronic mail

D. Smith via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]