



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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██████████, MI ██████████

Date Mailed: August 15, 2023
MOAHR Docket No.: 23-003957
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 August 3, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Lori Turner. Department Exhibit 1, pp. 1-37 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) cases due to excess 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. Petitioner was a recipient of FAP and MA.
2. On May 4, 2023, Notice of Case Action was sent to Petitioner informing her that her FAP case was closing due to excess income. (Ex. 1, pp.34-37)
3. The Department found that Petitioner had \$██████████ in gross income from employment based on her most recent check stubs.
4. On May 7, 2023, Petitioner submitted redetermination paperwork.
5. On June 13, 2023, a Health Care Coverage Determination Notice was sent to Petitioner informing her that her MA case was closing due to excess income. (Ex. 1, pp. 30-33)

6. On June 23, 2023, Petitioner requested hearing disputing the closure of FAP and MA.

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.

Always calculate income on a calendar month basis to determine eligibility and benefit amounts. Use income from a month specified in this item for the benefit month being considered. BEM 550

Determining Budgetable Income FIP, SDA, RAP, CDC and FAP

Determine budgetable income using countable, available income for the benefit month being processed. BEM 505

Irregular Income

For irregular income, determine the standard monthly amount by adding the amounts entered together and dividing by the number of months used. BEM 505

In this case, the Department determined Petitioner to have \$[REDACTED] in monthly income based on the check stubs she provided with her redetermination paperwork. The income limit for FAP for a group size of 1 is \$1,473. Therefore, the closure due to excess income was proper and correct and consistent with Department policy. Petitioner testified at hearing that her income fluctuates and that her income was lower at the time of hearing. Department policy dictates that income from the previous 30 days

is reviewed when calculating a recipient's income. BEM 505 Petitioner was encouraged to reapply if her income is lower, and she believes she may be eligible.

With regard to the MA-HMP program, the Department determined that Petitioner had \$[REDACTED] in yearly income based on the check stubs she provided with her redetermination paperwork. The yearly income limit for HMP for a group size of 1 is \$19,391. (ex. 1, p. 32) Therefore, the closure due to excess income was proper and correct and consistent with Department policy.

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 closed Petitioner's MA and FAP cases due to excess income.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
Administrative Law Judge

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

Via-Electronic Mail :

DHHS

Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
**MDHHS-Wayne-17-
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Interested Parties

Wayne 17 County DHHS
BSC4
M. Holden
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Via-First Class Mail :

Petitioner

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