



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 30, 2024
MOAHR Docket No.: 24-004488
Agency No.: [REDACTED]
Petitioner: [REDACTED] [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, a telephone hearing was held on May 23, 2024, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Devona Gilbert.

ISSUE

Did the Department of Health and Human Services (Department) properly closed Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) 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. Petitioner was an ongoing Food Assistance Program (FAP) and Medical Assistance (MA) recipient on November [REDACTED] 2023, when the Department received her Redetermination (DHS-1010) form. Exhibit A, p 7.
2. Department records indicate that during a Redetermination interview conducted on December [REDACTED] 2023, Petitioner reported having available assets exceeding \$15,000. Exhibit A, pp 16-23.
3. Petitioner reported to the Department on her November [REDACTED] 2023, Redetermination form that she is employed. Exhibit A, p 9.
4. Petitioner received paychecks with gross earnings of \$[REDACTED] on October 13, 2023, \$[REDACTED] on October 27, 2023, \$[REDACTED] on November 10, 2023, \$[REDACTED] on November 24, 2023, and \$[REDACTED] on December 8, 2023. Exhibit A, pp 13-15, and 28-29.

5. On February █ 2024, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits. Exhibit A, p 30.
6. On February █ 2024, the Department notified Petitioner that she was eligible for limited Medical Assistance (MA) benefits under the Plan First category. Exhibit A, p 52.
7. On April 10, 2024, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) and Medical Assistance (MA) benefits. Exhibit A, p 5.

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 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

The Food Assistance Program (FAP) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3001 through 400.3011.

The income limit to participate in the Healthy Michigan Plan (HMP) is 133% of the federal poverty level. Department of Health and Human Services Reference Table Manual (RFT) 246 (April 1, 2014), p 1.

Petitioner was an ongoing recipient of MA benefits under the Healthy Michigan Plan (HMP) when the Department initiated a routine review of her eligibility for ongoing benefits. Petitioner does not dispute that she only claims one of her children as a tax dependent. Child support does is not considered countable income towards eligibility for HMP benefits. Petitioner provided the Department with copies of her paycheck stubs that show that on average, she is receiving earned income from employment that is 137% of the federal poverty level for a household of two. Therefore, Petitioner is not eligible for HMP benefits.

There is no available asset limit for the HMP, but Petitioner is potentially eligible for MA benefits as the caretaker of children under 18. There is an available asset limit for MA as the caretaker of a child, and on December 1, 2023, Petitioner reported having available assets exceeding the \$2,000 asset limit. BEM 400.

For FAP benefits, all income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

Petitioner receives prospective monthly earned income of \$[REDACTED] which the Department determined by multiplying her average bi-weekly paychecks over a 30 day period by the 2.15 conversion factor as directed by BEM 505. Child support is countable towards FAP eligibility. Petitioner receives an adjusted gross monthly income of \$[REDACTED] which was determined by adding her gross income to her average child support payments and subtracting the 20% earned income credit and the \$198 standard deduction.

The Department applies a shelter deduction against Petitioner's income when determining her eligibility for FAP benefits. Petitioner's shelter deduction of \$35 was determined by adding her \$[REDACTED] monthly rent expense with the \$[REDACTED] standard heat and utility deduction, then subtracting 50% of her adjusted gross income.

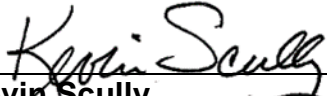
Petitioner's net monthly income of \$[REDACTED] was determined by subtracting her shelter expense deduction from her adjusted gross income. Petitioner's net monthly income exceeds the \$2,072 net monthly income limit. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2023), p 1. Therefore, Petitioner is not eligible for FAP benefits.

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

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Elisa Daly
Saginaw County DHHS
**MDHHS-Saginaw-
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HoldenM

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EQADHearings

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]