

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 15-014208
Issue No.: 2001,3008, 4001, 5001
Case No.: [REDACTED]
Hearing Date: September 23, 2015
County: WAYNE-DISTRICT 55

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Claimant'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; and Mich Admin Code, R 792.11002. After due notice, a three way hearing was held on September 23, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. An Interpreter from [REDACTED], [REDACTED] also appeared. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Hearing Facilitator and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close the Claimant's Medical Assistance (MA) case for failure to complete the redetermination?

Did the Department meet its burden of proof to demonstrate that it properly reduced Claimant's Food Assistance (FAP) benefits for July 2015?

Did the Department meet its burden of proof to demonstrate that it took any action with regard to Claimant's SER denial and Cash Assistance/SDA denial?

FINDINGS OF FACT

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

1. The Claimant requested a hearing regarding numerous issues including FAP, Medical Assistance, Cash Assistance/SDA denial and SER denial.

2. At the hearing, the Department presented a Health Care Coverage Determination Notice dated [REDACTED], closing the Medical Assistance for the Claimant and his family for failure to return the redetermination effective [REDACTED].
3. The Department's hearing summary indicated that the Department received a redetermination submitted by the Claimant on [REDACTED]. The completed redetermination was not part of the hearing packet.
4. The Department's hearing summary noted that the Department made an error closing Claimant's case manually, due to an error on [REDACTED]. The Department testified that FAP benefits were received by the Claimant for May (\$771), June (\$771), July (\$248) and August (\$453), and that July benefits were reduced due to an overissuance. No eligibility summary, issuance summary or FAP budget was provided at the hearing.
5. The Department testified that the Claimant did not receive FIP Cash Assistance / SDA; but did not provide any document to show what benefits Claimant received, or whether an application for FIP was denied.
6. The Claimant requested a hearing on [REDACTED], protesting the Department's actions.

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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, the Department closed the Claimant's MA case for failure to return a redetermination. The Claimant did return a redetermination on [REDACTED], which was late and therefore not processed. The redetermination was received before case closure ([REDACTED]) and before issuance of the Health Care Coverage Determination Notice issued on [REDACTED]. Exhibit 1

BAM 220 provides:

DELETING A NEGATIVE ACTION

All Programs

Negative actions must be deleted from Bridges in some situations.

Hearing Requests

Record the hearing request date and complete all required information on the Hearings Restore Benefits screen in Bridges. Then follow Additional Steps to Delete a Negative Action in this section; see BAM 600, Hearings.

Requirement Met Before Negative Action Effective Date

Enter the information the client provided to meet the requirement that caused the negative action, using the appropriate Bridges screens. Then follow Additional Steps to Delete a Negative Action in this section.

Additional Steps to Delete a Negative Action

Take these additional steps to delete a negative action in Bridges:

- Reactivate the program(s) on the Program Request screen in Bridges.

- Run eligibility and certify the results.

Bridges will automatically recalculate benefits based on the information and dates entered in the system; see EFFECTIVE DATE OF CHANGE in this item. BAM 220 (October 1, 2015) p. 12-13.

Unfortunately, it could not be determined when the MA benefit period ended as no redetermination or other such information was provided as evidence at the hearing. The Department failed to provide sufficient evidence to demonstrate that it complied with Department policy when it closed the Claimant's MA case. Therefore, the Department did not meet its burden of proof to demonstrate that it complied with Department policy.

The Department presented no evidence regarding the reduction of the Claimant's FAP benefits in the month of July, other than testimony that the FAP was reduced due to an overissuance. The Department's Hearing Summary did not address this issue. The Department provided no documentation, no FAP budgets or other pertinent information, and thus did not meet its burden of proof to demonstrate it acted in accordance with Department policy.

The Department presented no evidence if (and when) it denied the Claimant's SER application, and thus did not meet its burden of proof to demonstrate that it acted in accordance with Department policy or that it took any action regarding a SER application denial. The Department's Hearing Summary did not address this issue.

As regards the Claimant's request for hearing regarding FIP and SDA, it was unclear from the Department's testimony whether any such applications or case closures occurred. The Department's Hearing Summary did not address this issue. The Department testified that the Claimant never received FIP, which was the extent of the evidence presented. In addition, the Department did not provide an eligibility summary or any documents to demonstrate what the statuses of these benefits were. Therefore, the Department did not meet its burden of proof to demonstrate factually what, if any, action was taken.

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 did not act in accordance with Department policy when it closed the Claimant's MA case for failure to complete the redetermination.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to provide supporting evidence regarding the Claimant's FAP reduction in July 2015; whether any action was taken regarding an SER application request; and whether the Claimant's application for FIP or SDA was denied.

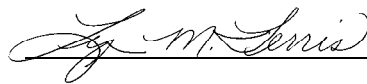
DECISION AND ORDER

Accordingly, the Department's decision is

REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Claimant's MA case, as of the date of closure, and process the redetermination and determine Claimant's eligibility in accordance with Department policy.
2. The Department shall recalculate the Claimant's FAP benefits for July 2014, ongoing, and issue a FAP supplement to the Claimant, if otherwise eligible in accordance with Department policy. The Department shall provide the Claimant written notice of its redetermination and recalculation.
3. The Department shall review and reprocess the Claimant's last SER application and determine Claimant's eligibility. The Department shall provide the Claimant written notice of its redetermination and Claimant's eligibility.
4. The Department shall review and reprocess the Claimant's last FIP/ SDA application and determine Claimant's eligibility in accordance with Department policy. The Department shall provide the Claimant written notice of its redetermination and recalculation.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **9/28/2015**

Date Mailed: **9/28/2015**

LMF / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of

the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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

cc:

