

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

IN THE MATTER OF:

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MAHS Reg. No.: 15-016131
Issue No.: 2001;3001
Agency Case No.: ██████████
Hearing Date: October 26, 2015
County: Wayne-District 19

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 26, 2015, from Detroit, Michigan. Petitioner appeared and represented himself. The Department was represented by ██████████, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) cases?

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 recipient of FAP and MA benefits.
2. On June 19, 2015, the Department sent Petitioner a Health Care Coverage Determination Notice informing him that effective July 1, 2015, his MA case would be closing on the basis that he failed to return a redetermination. (Exhibit D)
3. On July 1, 2015, the Department sent Petitioner a Notice of Case Action informing him that effective August 1, 2015, his FAP case would be closed on the basis that a group member is not or is no longer living with him. (Exhibit C)
4. On September 4, 2015, Petitioner requested a hearing disputing the Department's actions with respect to his FAP and MA cases.

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.

Petitioner requested a hearing disputing the closure of his FAP and MA cases. At the hearing, the Department testified that there have been ongoing issues with Petitioner's cases because there is an incorrect living arrangement code reflected in Bridges which indicates that Petitioner is in prison. (Exhibit B). The Department stated that the coding is improper and that Petitioner's cases have been closed and reinstated several times, as Petitioner is clearly not in prison. A review of the case comments summary presented by the Department shows that the Department has been aware of this issue since January 2015 and has not taken the appropriate actions to correct the problem. Petitioner stated that he was informed by the Department that another person with his same name and birth date is in prison which is causing the discrepancy. (Exhibit A).

The Department acknowledged that the FAP case closure effective August 1, 2015, was improper and conceded that a help desk ticket has not been issued to attempt to resolve the ongoing issues with Petitioner's case. The Department stated that Petitioner's FAP case was reinstated; however, Petitioner testified that there was a lapse in the receipt of his FAP benefits. At the hearing, the Department was encouraged to review Petitioner's case file to resolve the known issue with the improper living arrangement code.

With respect to Petitioner's MA benefits, the Department initially testified that Petitioner's MA case was closed for the same reason his FAP case closed and that it was due to the incorrect living arrangement code. Later in the hearing and upon review

of the Health Care Coverage Determination Notice, the Department stated that Petitioner's MA case properly closed due to Petitioner's failure to return the redetermination.

Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (April 2015), p 1. A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210, p. 1. The Department allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information for MA redeterminations. BAM 210, p.14. For MA cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2. The Department will provide the client with timely notice of the negative action by sending a Notice of Case Action if the time limit is not met. BAM 210, p.14.

In this case, the Department did not present the redetermination for review at the hearing and could not identify when the redetermination was sent to Petitioner or the due date. Petitioner disputed receiving a redetermination concerning his MA case. The Department failed to establish that it properly closed Petitioner's MA case based on a failure to return the redetermination.

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 Petitioner's FAP and MA cases.

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. Reinstate Petitioner's FAP case effective August 1, 2015;
2. Issue FAP supplements to Petitioner from August 1, 2015, ongoing;
3. Reinstate Petitioner's MA case effective July 1, 2015;

4. Provide Petitioner with MA coverage from July 1, 2015, ongoing; and
5. Notify Petitioner in writing of the Department's actions.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/30/2015**

Date Mailed: **10/30/2015**

ZB / tlf

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.

