

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-017860
Issue No.: 2001, 3001
Agency Case No.: [REDACTED]
Hearing Date: November 18, 2015
County: WAYNE-DISTRICT 17
(GREENFIELD/JOY)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 November 18, 2015, from Detroit, Michigan. Petitioner represented himself and was joined by his wife, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

Did the Department properly process Petitioner's children's Medicaid (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. Petitioner's FAP certification period expired [REDACTED].
3. The Department sent Petitioner a redetermination form in connection with his household's ongoing FAP and MA eligibility that was due on [REDACTED].
4. Petitioner sent an unsigned redetermination form to the Department on [REDACTED].
5. On [REDACTED], the Department sent Petitioner a Notice of Missed Interview notifying him that he had missed his FAP interview and it was now his

responsibility to reschedule the interview before [REDACTED], or his case would close.

6. On [REDACTED], Petitioner was made aware that the redetermination he submitted on [REDACTED], was unsigned, and he submitted a signed redetermination to the Department on [REDACTED].
7. On [REDACTED], Petitioner filed a request for hearing disputing the Department's actions concerning his FAP case and his children's 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).

Petitioner requested a hearing concerning his FAP case and his children's MA cases.

FAP Case

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 Department closed Petitioner's FAP case because he did not complete the redetermination process. 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 (July 2015), p. 1. FAP 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. A client's FAP redetermination includes a telephone interview with the Department. BAM 210, p 3. If the client misses the scheduled interview, the Department sends a DHS-254, Notice of Missed Interview. BAM 210, p. 4.

In this case, the evidence showed that the Department sent Petitioner a redetermination for completion by [REDACTED], with an interview scheduled on [REDACTED]. Petitioner mailed in an unsigned redetermination, which the Department received on [REDACTED]. On [REDACTED], the Department sent Petitioner a Notice of Missed Interview advising him that he had missed his phone interview and it was now his responsibility to reschedule the appointment or his FAP case would close [REDACTED]. Petitioner credibly testified that he was prepared to receive a phone call on [REDACTED], did not receive one as scheduled, and he called his worker several times beginning [REDACTED], to reschedule the

interview but his worker never responded. After contacting a community access service for assistance, he was advised that his redetermination was not signed, and on [REDACTED], he submitted a signed redetermination form that the Department acknowledged receiving. Although the Department claimed that an attempt was made to contact Petitioner on [REDACTED], but the phone was inactive, Petitioner testified that his home and cell numbers were both active and there had been no interruption in services. The worker was not present to testify regarding the number called or the date the call was made. Further, there was no evidence that Petitioner was made aware that the Department intended to call him on [REDACTED]. Because Petitioner had made an attempt to reschedule the initial interview after [REDACTED], and the Department never called him to explain the issues in his redetermination, the Department did not act in accordance with Department policy when it closed Petitioner's case for failure to complete an interview.

Children's MA Cases

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 also requested a hearing concerning the MA cases for his five children under age 19. At the hearing, the Department testified that the children's MA cases may have been improperly closed but had been reinstated with no interruption in coverage. The Department presented an eligibility summary that it contended supported its testimony. The eligibility summary showed that [REDACTED] had ongoing, uninterrupted MA coverage (Exhibit A, pp. 31-32). However, although coverage for the remaining four children ([REDACTED]) was reinstated on [REDACTED], effective [REDACTED], ongoing they clearly had no coverage in September 2015; and it is unclear from the eligibility summary whether coverage was reactivated for October 2015 and November 2015 (Exhibit A, pp. 33-37). Therefore, the Department did not act in accordance with Department policy when it processed those children's MA cases.

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 case and processed the children's MA cases.

DECISION AND ORDER

Accordingly, the Department's FAP and MA decisions are **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 [REDACTED];
2. Reprocess the redetermination for FAP eligibility;
3. Issue supplements to Petitioner for FAP benefits he was eligible to receive but did not from [REDACTED];
4. Notify Petitioner of its FAP decision; and
5. Activate MA for all children receiving U19 coverage for [REDACTED], to [REDACTED].



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **11/25/2015**

Ace/jaf

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:

