

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

IN THE MATTER OF:

██████████
██████████
██████████████████

Reg. No.: 15-007459
Issue No.: 2000;3003
Case No.: ██████████
Hearing Date: June 11, 2015
County: Wayne-District 55

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 telephone hearing was held on June 11, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) benefits and close Claimant's Food Assistance Program (FAP) case based on a failure to return a redetermination?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of MA and FAP benefits.
2. Claimant had active MA benefits under the G2S program with a monthly deductible. (Exhibit B)
3. There was no negative action taken with respect to Claimant's MA benefits.
4. On February 28, 2015, the Department sent Claimant a Redetermination that was to be completed and returned to the Department by March 16, 2015. (Exhibit C)
5. On February 28, 2015, the Department sent Claimant a Food Assistance Benefits Redetermination Filing Record informing him that a failure to submit the filing

record or complete the redetermination form would result in the closure of his FAP case effective March 31, 2015. (Exhibit D)

6. Claimant's FAP case closed effective March 31, 2015. (Exhibit B)
7. On May 1, 2015, Claimant requested a hearing disputing the Department's actions with respect to his MA and FAP benefits.

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).

MA

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.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (April 2015), p. 2. Moreover, BAM 600, p. 6 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. MAHS may grant a hearing about a denial of an application and/or supplemental payments; reduction in the amount of program benefits or service; suspension or

termination of program benefits or service; restrictions under which benefits or services are provided or delay of any action beyond the standards of promptness. BAM 600, pp.4-5.

In the present case, Claimant was an ongoing recipient of MA benefits under the G2S program with a monthly deductible. (Exhibit B). Claimant confirmed that he did not receive any notices or any indication from the Department that his MA case was closing or that his benefits would be terminated. The Department testified that Claimant had active MA coverage with no lapse in his benefits prior to his hearing request. The eligibility summary presented at the hearing confirms the Department's testimony and there was no testimony provided by Claimant to indicate that he was disputing the calculation of his monthly deductible.

At the hearing, Claimant testified that he requested a hearing because he was informed by [REDACTED] where he receives treatment, that his Medicare card was invalid, despite being informed by Medicare that his card was valid and that he had active Medicare coverage. Claimant stated that he has made attempts to contact both Medicare and [REDACTED] to have the issue resolved and was told he needed to contact the Department. Claimant further testified that he was also disputing the fact that [REDACTED] would not accept his MA card or provide him with any statements or bills for services. Based on Claimant's testimony during the hearing, it is determined that the issues he requested a hearing on are not issues that this Administrative Law Judge retains any authority or jurisdiction to address, as they do not involve programs administered by the Department of Health and Human Services.

Because Claimant did not establish that there was a negative action taken by the Department with respect to his MA case, as he still had active and ongoing MA coverage as of the hearing date, there is no aggrieved party in this case and there remains no issue left to be resolved. As such, Claimant's hearing request with respect to MA is **DISMISSED** for lack of jurisdiction. BAM 600, pp. 4-6. There was some testimony that one day prior to the hearing date, Claimant was notified that his MA case would be closing on a future date. Claimant is informed that should he dispute the future case closure, he is entitled to request a hearing and have the issue resolved.

FAP

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.

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 (July 2014), 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. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.11.

In this case, the Department testified that because it did not receive the completed redetermination form from Claimant by the end of the FAP certification period of March 31, 2015, it was not able to certify a new FAP benefit period and Claimant's FAP case automatically closed March 31, 2015. The Department stated that it did not receive any communication from Claimant regarding the redetermination prior to the case closure. The Department testified that Claimant reapplied for FAP benefits on May 1, 2015, and that his application was approved. It was established that the only lapse in FAP benefits was for the month of April 2015.

At the hearing, Claimant confirmed receiving the redetermination form. Claimant stated that in response, he completed the form the day after he received it and dropped it off at the blue mail mailbox on Mt. Elliott and East Grand Blvd. Claimant testified that he mailed the redetermination in the self-addressed envelope that was sent with the forms. Claimant disputed the Department's testimony that he made no contact with the Department concerning the redetermination. Claimant testified that he contacted his Department case worker on March 13, 2015, regarding the redetermination. Claimant further stated that he called his case worker for 26 days and received no response. Claimant presented sufficient evidence to establish that he submitted the redetermination prior to the end of the FAP certification period.

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 Claimant's FAP case.

DECISION AND ORDER

Accordingly, the hearing request with respect to MA is DISMISSED and the Department's FAP 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 Claimant's FAP case effective March 31, 2015;
2. Issue FAP supplements to Claimant from March 31, 2015, ongoing; and
3. Notify Claimant in writing of its decision.



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

Date Signed: **6/18/2015**

Date Mailed: **6/18/2015**

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.

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:

Government	Percentage
Current government	100%
Previous government	0%