

**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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Reg. No.: 15-013770
Issue No.: 2003;3003
Case No.: ██████████
Hearing Date: September 17, 2015
County: Wayne-District 18 (Taylor)

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 September 17, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) cases on the basis that she failed 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 FAP and MA benefits.
2. On April 14, 2015, the Department sent Claimant a Redetermination form that was to be completed and returned to the Department by May 4, 2015. (Exhibit A)
3. On May 4, 2015, the Department sent Claimant a Notice of Missed Interview informing her that she had until May 31, 2015, to complete the Redetermination and reschedule her interview, or her ongoing FAP benefits would be denied. (Exhibit B)
4. Claimant's FAP case closed effective June 1, 2015.

5. On June 19, 2015, the Department sent Claimant a Health Care Coverage Determination Notice informing her that effective July 1, 2015, her MA case would be closed on the basis that she failed to return the redetermination. (Exhibit C)
6. On June 25, 2015, the Department received Claimant's completed redetermination. (Exhibit A)
7. On July 22, 2015, Claimant submitted a hearing request disputing 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 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.

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 FAP client must also complete a phone interview. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 3-4. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. 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.10.

With respect to MA, 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 testified that because it did not receive the completed redetermination form from Claimant prior to the end of the May 31, 2015, certification period, Claimant's FAP case automatically closed. The Department stated that on June 19, 2015, it sent Claimant a Health Care Coverage Determination Notice informing her that effective July 1, 2015, her MA case be closed due to a failure to return the redetermination. BAM 210, p. 14; (Exhibit C). The Department confirmed receiving Claimant's completed redetermination form on June 25, 2015, but stated that because it was after the due date, it was too late.

At the hearing, Claimant confirmed receiving the redetermination and acknowledged that she submitted it to the Department on June 25, 2015. Claimant stated that her daughter was hospitalized and that she attempted to contact the Department to request an extension to submit the redetermination but received no return phone call from her case worker.

In this case, because Claimant did not return her redetermination until June 25, 2015, after the certification period had ended, the subsequent processing policy is not applicable and Claimant was required submit a new application for FAP benefits. BAM 210, pp. 18-19. With respect to MA however, Claimant met the requirement which caused the negative action prior to the negative action date. Therefore, the negative action must be deleted. When deleting a negative action, the Department is to enter the information the client provided to meet the requirement that caused the negative action, reactivate the program, run eligibility and certify the results. Bridges will automatically recalculate benefits based on the information and the dates entered in the system in accordance with the effective date of change item in BAM 220. BAM 220 (July 2015) pp. 12-13.

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 closed Claimant's FAP case but did not act in accordance with Department policy when it closed Claimant's MA case.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to FAP and **REVERSED IN PART** with respect to MA.

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 MA case effective July 1, 2015;
2. Provide Claimant with MA coverage from July 1, 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: **9/25/2015**

Date Mailed: **9/25/2015**

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;

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:

If submitted by mail, the written request must be addressed as follows:

CC:

A horizontal bar redacting the CC field.

[REDACTED]