

**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.: 15-015494
Issue No.: 2000;3001
Agency Case No.: ██████████
Hearing Date: October 15, 2015
County: Wayne-District 57

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 15, 2015, from Detroit, Michigan. The Petitioner was present for the hearing and represented herself. The Department was represented by ██████ ██████, Family Independence Manager.

ISSUE

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

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 August 4, 2015, the Department sent Petitioner a National New Hire Client Notice that she was instructed to complete and return to the Department by August 14, 2015. (Exhibit A)
3. On August 17, 2015, the Department sent Petitioner a Notice of Case Action informing her that effective September 1, 2015, her FAP case would be closed on the basis that she failed to provide National New Hire information within the specified time frame. (Exhibit B)

4. The Department received the New Hire information within the negative action period. (Exhibit C)
5. There was no negative action taken with respect to Petitioner's MA benefits prior to her hearing request.
6. On August 21, 2015, Petitioner requested a hearing disputing the Department's actions with respect to her FAP and MA 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.

The hearing was requested to dispute the Department's action taken with respect to Petitioner's MA benefits. Shortly after commencement of the hearing, Petitioner testified that there was no issue with respect to her MA case, as she had active and ongoing MA benefits. Petitioner stated that she checked the MA box in error on her request for hearing form and confirmed that no promises were made to her in exchange for her withdrawal on the record. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing with respect to MA is, hereby, **DISMISSED**.

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 routinely matches recipient data with other agencies through automated computer exchanges. BAM 807 (July 2015), p.1; BAM 813 (January 2015), p. 1. The State New Hires Match and National Directory of New Hires Match are daily (State) and monthly (National) exchanges of information collected used to determine current income sources for active clients of Department issued benefits. BAM 807, p. 1; BAM 813, p. 1. For State New Hire matches, if the employment has not been previously reported, the Department is to request verification of the employment by sending the client a DHS-4635 New Hire Notice. BAM 807, p.1. For National New Hire matches, the Department is to request verification of the employment by sending the client a DHS-4641 National Directory New Hire Client Notice. BAM 813, p.1. Clients are given 10 calendar days to provide verification from the date the forms were requested. If verifications are not returned by the 10th day, the case action will need to be initiated to close the case in Bridges. BAM 807, p. 2; BAM 813, p. 2.

In this case, the Department testified that while it did not receive the requested information by the August 14, 2015, due date listed on the New Hire form, Petitioner submitted the National New Hire Client Notice along with pay stubs within the negative action period, as determined by the Notice of Case Action. The Department conceded that it should have reinstated Petitioner's FAP case, processed the New Hire Client Notice and used the additional paystubs to recalculate Petitioner's FAP budget. Thus, based on the Department's testimony at the hearing and the evidence presented, the Department should have deleted the negative action, as the information that caused the closure was received prior to the effective date of the negative action. 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 did not act in accordance with Department policy when it closed Petitioner'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 Petitioner's FAP case effective September 1, 2015;
2. Issue FAP supplements to Petitioner from September 1, 2015, ongoing, in accordance with Department policy; and
3. Notify Petitioner of its decision in writing.



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

Date Signed: **10/20/2015**

Date Mailed: **10/20/2015**

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.

