

**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.: 15-018735
Issue No.: 2001;3008
Agency Case No.: ██████████
Hearing Date: December 03, 2015
County: Macomb-District 20

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 December 2, 2015, from Detroit, Michigan. Petitioner appeared for the hearing and was present with ██████████, who served as Arabic translator. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by ██████████ Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP) and 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. Petitioner was approved for FAP benefits in the amount of \$24 monthly.
3. On October 13, 2015, Petitioner requested a hearing disputing the Department's calculation of her FAP benefits in the amount of \$24. Petitioner's hearing request indicates that she submitted a change report reflecting a home heating credit of \$78. Petitioner also disputed the Department's closure of her MA case, stating on her hearing request that she was a SSI recipient.

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).

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.

In the present case, Petitioner requested a hearing to dispute the Department's calculation of her monthly FAP benefits in the amount of \$24. Petitioner's hearing request clearly indicates that she submitted a change report to her case worker on August 16 showing that she received a home heating credit of \$78 and that her FAP benefits have not changed.

At the commencement of the hearing, the Department stated that the issue in which Petitioner had requested a hearing on had been resolved. The Department explained that it was going to reinstate Petitioner's FAP case which had closed effective October 1, 2015, as a result of a failure to complete a redetermination interview. The Department stated that because Petitioner's FAP case was closed at the time she submitted her hearing request, a hearing summary and evidence packet addressing the FAP case closure was prepared. Despite reviewing Petitioner's hearing request on the record and despite Petitioner's testimony that she was not aware of the closure of her FAP case at the time she submitted her hearing request, the Department maintained that the issue presented for the hearing was the FAP case closure effective October 1, 2015. The Department's case presentation did not address the amount of Petitioner's FAP benefits. The Department failed to present a FAP budget or any documentation to establish that it properly calculated Petitioner's FAP benefits in the amount of \$24 or that it processed Petitioner's change report in accordance with Department policy. BEM 505 (July 2014), p. 10; BAM 220 (April 2015), p. 9; BEM 550 (February 2014), p. 4;

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 because there was no evidence presented concerning how Petitioner's FAP benefits were determined, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it calculated Petitioner's monthly FAP benefits of \$24. Although the Department testified on the record that it would be reinstating Petitioner's FAP case

effective October 1, 2015, Petitioner is informed that she is entitled to request a hearing regarding the case closure, should the Department fail to reinstate her case.

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.

Petitioner requested a hearing disputing the Department's actions with respect to her MA benefits. Petitioner's hearing request indicates that her MA case is closed and that she is a SSI recipient. There was some testimony provided at the hearing indicating that Petitioner was informed she did not have MA coverage after going to the doctor. At the hearing, the Department representative stated that Petitioner had an active MA case in the Sterling Heights District and that the Warren District office where the hearing was being conducted did not have any MA case open for Petitioner. The Department presented a Case Search Summary which it testified established that Petitioner was approved for MA for SSI recipients for the benefit period April 1, 2008. (Exhibit A, pp.3-4). The Department did not present an eligibility summary or a complete MA eligibility summary showing the current status of Petitioner's MA case however. Thus, the Department's testimony that Petitioner had active MA was not supported by the document presented for review. The Department did not dispute that Petitioner was a SSI recipient. As such, Petitioner should be eligible for MA under the MA for SSI recipients program. BEM 150 (October 2015).

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Petitioner's MA benefits.

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. Process Petitioner's August 16, 2015, Change Report and recalculate Petitioner's FAP budget for the months of August 2015, ongoing, in accordance with Department policy;

2. Issue FAP supplements to Petitioner from August 2015, ongoing, in accordance with Department policy;
3. Reinstate Petitioner's MA case from the date of closure, ongoing;
4. Provide Petitioner with MA coverage under the MA for SSI recipients program from the date of closure, ongoing, in accordance with Department policy; 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: **12/11/2015**

Date Mailed: **12/11/2015**

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.

