

**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.: 15-024235
Issue No.: 2004; 3000
Agency Case No.: [REDACTED]
Hearing Date: February 18, 2016
County: WAYNE-DISTRICT 76

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 February 18, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED] (Petitioner). The Department was represented by [REDACTED], Eligibility Specialist; and [REDACTED], Hearings Facilitator.

ISSUES

Did the Department properly process Petitioner's reported change (member add request for his daughter)?

Did the Department fail to determine Petitioner's daughter eligibility for 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. In October 2015, Petitioner's daughter (18-years-old) moved into his household.
2. On [REDACTED], Petitioner applied for Food Assistance Program (FAP), Child Development and Care (CDC), and Cash Assistance benefits. See Exhibit A, p. 5. In the application, Petitioner listed his daughter as a member of the household.
3. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying him that he was approved for FAP benefits effective October 20, 2015, ongoing, which included his daughter as a member of the FAP group. See Exhibit A, pp. 6-7.

4. On [REDACTED], Petitioner submitted a Medical Assistance (MA) redetermination, where he listed that his daughter was pregnant.
5. On [REDACTED], the Department sent Petitioner a Health Care Coverage Determination Notice (determination notice) notifying Petitioner that he and an additional two group members (not including his daughter who is at issue) were eligible for MA coverage effective [REDACTED], ongoing. See Exhibit A, p. 9.
6. On [REDACTED], Petitioner's daughter applied for MA benefits on her own behalf and the Department provided her with full MA coverage effective [REDACTED] ongoing, but under a different case number (Case No. 121321604). See Exhibit A, pp. 14-16.
7. On [REDACTED], Petitioner requested a hearing in which he disputed the Department's action. See Exhibit A, pp. 2-3.

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.

Preliminary matter

On [REDACTED], Petitioner also requested a hearing in which he disputed his FAP benefits. See Exhibit A, pp. 2-3. Shortly after commencement of the hearing, Petitioner acknowledged that he is no longer disputing the FAP benefits. As such, Petitioner's FAP hearing request is DISMISSED.

Member add

In this case, Petitioner argued that the Department failed to add MA coverage for his daughter when he reported that she had moved into his household in October 2015. Due to the Department failure to process this reported changed (member add) and provide her with MA coverage, Petitioner argued that his daughter has outstanding medical bills from October 2015, ongoing.

First, the undersigned finds that the Petitioner did not request MA coverage for his daughter until November 2015. Petitioner clearly applied for benefits on [REDACTED], [REDACTED] in which he listed his daughter as a member of the household. However, Petitioner never applied for MA benefits in the October 2015 application. Instead, Petitioner applied for only FAP, CDC, and Cash Assistance benefits. See Exhibit A, p. 5. Thus, the Department had no obligation to determine the daughter's MA eligibility for October 2015 because the Petitioner never request MA benefits. BAM 105 (July 2015), p. 17; BAM 110 (July 2015), pp. 1-23; and BAM 115 (October 2015), pp. 1-35.

Second, the undersigned does find that the Department should have processed the member add and requested MA assistance for the daughter effective November 2015. On [REDACTED] Petitioner submitted a MA redetermination, where he listed that daughter was pregnant.

Policy states that for all programs under member add, all individuals in a household must be identified and included in the household. BAM 110, p. 20. The Department completes an Add Member case action on Bridges for all individuals who move into a household to add them to the existing household and eligibility determination groups (EDGs). BAM 110, p. 20. The Department uses the Add Member case action to add a new member to existing EDGs and to request assistance in the appropriate group(s) for the new member. BAM 110, p. 21. Policy provides an example:

Joan and son, Todd, receive FIP and FAP. Joan's cousin, Polly, moves in and will be purchasing and preparing food with them.

BAM 110, p. 21. The Department processes an Add Member case action to add Polly. BAM 110, p. 21. On the Program Request screen, indicate that she is requesting benefits on Joan's FAP EDG but not on Joan's FIP EDG. BAM 110, p. 21. Bridges will show Polly's Status for the FAP EDG as Requesting and Not Requesting for the FIP EDG. BAM 110, p. 21.

Based on the above policy, the Department should have added the daughter to the Petitioner's existing EDG at the time and requested MA assistance for the daughter. See BAM 110, p. 21. The undersigned finds that the Petitioner added the daughter to the MA redetermination submitted in November 2015, and in fact, indicated that she was pregnant. The undersigned will order the Department to process the member add request and request MA assistance for the Petitioner's daughter effective [REDACTED] if not already completed, as the Petitioner already had active coverage during this time. Thus, upon receipt of this order, the Department might have already completed the order as she already has active coverage.

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 (i) Department acted in accordance with Department policy when it did not determine the daughter's MA eligibility for October 2015; and (ii) did not act in accordance with Department policy when it failed to process the member add for MA purposes and to request MA assistance for the daughter effective [REDACTED], ongoing.

DECISION AND ORDER

Accordingly, the Department's MA decision is **AFFIRMED IN PART** with respect to October 2015 and **REVERSED IN PART** with respect to November 2015.

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 the member add request and request MA assistance for the Petitioner's daughter effective [REDACTED], if not already completed;
2. Issue supplements to Petitioner's daughter for any MA benefits she was eligible to receive but did not from [REDACTED], ongoing, if not already completed; and
3. Notify Petitioner of its decision.

IT IS ALSO ORDERED that Petitioner's **FAP** hearing request is **DISMISSED**.



Eric Feldman
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **FEBRUARY 25, 2016**

Date Mailed: **FEBRUARY 25, 2016**

EF / hw

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:

