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.: 15-022859
Issue No.: 2000 3000 5000
Agency Case No.: [redacted]
Hearing Date: January 27, 2016
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on January 27, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [redacted], hearing facilitator.

ISSUES

The first issue is whether MDHHS properly determined Petitioner's Food Assistance Program (FAP) eligibility.

The second issue is whether Petitioner established a dispute concerning Medical Assistance (MA) eligibility.

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 FAP and MA benefit recipient.

2. On [redacted], MDHHS determined Petitioner was not eligible for FAP benefits, effective January 2016, due to an alleged failure by Petitioner to verify income for herself and unearned income for her son.

3. On [redacted], Petitioner requested a hearing concerning unstated actions affecting FAP and MA eligibility; Petitioner also requested a hearing

concerning a State Emergency Relief (SER) for which an earlier hearing request was submitted.

4. On [redacted], MDHHS reinstated Petitioner's FAP eligibility.

5. On [redacted], in a separate hearing, Petitioner's SER dispute was addressed.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by MDHHS (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049. MDHHS policies are contained in the Services Emergency Relief Manual (ERM).

Petitioner requested a hearing, in part, to dispute a denial of SER. Petitioner's hearing request indicated she previously requested a hearing to address a denial of SER. On the date of hearing, two hearings were scheduled for Petitioner; the first hearing addressed Petitioner's SER dispute. Petitioner testimony conceded the first hearing addressed her SER dispute. Petitioner's hearing request will be dismissed concerning SER.

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, concerning FAP eligibility. Petitioner's hearing request cryptically stated she wanted her "entire case" explained to her. Petitioner reiterated the statement during the hearing. Petitioner testimony indicated she did not understand a notice terminating her FAP eligibility.

Petitioner presented a Notice of Case Action dated [redacted] (Exhibit A, pp. 1-2). The notice indicated a closure of FAP benefits, effective January 2015, due to Petitioner failing to verify earned income for herself and unearned income for her son. Initial MDHHS testimony was unable to explain the closure. Later MDHHS testimony and evidence was more helpful.

MDHHS presented a Notice of Case Action (Exhibit 1, pp. 1-2) dated [redacted] The written notice indicated Petitioner was approved for $16 in FAP benefits,

effective January 2016. The benefit approval established MDHHS reversed the previous threatened closure and issued FAP benefits to Petitioner.

Petitioner testimony did not express any dispute concerning the FAP benefit issuance. Petitioner's hearing request will be dismissed concerning FAP eligibility as MDHHS reversed the threat of closure.

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. MDHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part to dispute MA eligibility. Again, the only elaboration provided by the hearing request was Petitioner's desire for an explanation. Petitioner testified that she believed MDHHS terminated her MA eligibility. Petitioner provided no documentation to support her belief other than a notice sent concerning her February 2016 eligibility (it was not admitted as an exhibit). The notice was not factored because it was sent long after Petitioner requested a hearing.

MDHHS responded there were no threats to Petitioner's MA eligibility before Petitioner requested a hearing. MDHHS presented a Health Care Coverage Determination Notice (Exhibit 1, pp. 3-4) which stated Petitioner was approved for Medicaid benefits beginning January 2016.

The Michigan Administrative Hearing System may grant a hearing about any of the following (see BAM 600 (October 2015), pp. 4-5):

- 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;
- delay of any action beyond standards of promptness; or
- the current level of benefits or denial of expedited service (for Food Assistance Program benefits only).

No presented evidence established any threat to Petitioner's MA eligibility, as of the date of Petitioner's hearing request. Accordingly, Petitioner's hearing request will be dismissed for failing to establish a basis for an administrative hearing.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner withdrew her SER dispute as it was addressed in a separate hearing. It is further found Petitioner failed to establish a basis for administrative hearing jurisdiction concerning MA eligibility. It is lastly found MDHHS corrected a termination of FAP benefits, effective January 2016. Petitioner's hearing request is **DISMISSED**.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **2/3/2016**

Date Mailed: **2/3/2016**

CG / 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: [redacted]