

**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.: 15-024239
Issue No.: 2000;3001
Agency Case No.: ██████████
Hearing Date: February 18, 2016
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 February 18, 2016, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department was represented by ██████████, Family Independence Manager.

ISSUE

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

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's FAP case closed effective July 1, 2015 on the basis that she failed to complete a Semi-Annual Review.
3. The Department timely received Petitioner's completed Semi-Annual but failed to process the Semi-Annual and certify Petitioner's continued eligibility for FAP.
4. On December 18, 2015, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that effective January 1, 2016, she was ineligible for MA benefits on the basis that she failed to return a redetermination and required proof of information. (Exhibit A)

5. Petitioner timely submitted the MA redetermination, however, the Department failed to process the redetermination and certify Petitioner's continued MA eligibility.
6. On December 29, 2015, Petitioner requested a hearing 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).

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.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Department of Human Services Bridges Administrative Manual (BAM) 600 (October 2015), p. 2. Moreover, BAM 600, p. 6 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. MAHS may grant a hearing about a 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 or delay of any action beyond the standards of promptness. BAM 600, pp.4-5.

In the present case, Petitioner was an ongoing recipient of MA benefits. On an unverified date, the Department sent Petitioner a redetermination for her MA case or requested that she provide verifications by a certain date. Although the Department timely received Petitioner's completed redetermination and requested verifications, the documents were not logged into the system. On December 18, 2015, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that effective January 1, 2016, her MA case would be closed on the basis that she failed to return the redetermination or required proofs. (Exhibit A). Petitioner requested a hearing on December 29, 2015, to dispute the Department's actions.

The Department acknowledged that Petitioner's MA case closed in error and stated that after the hearing request was submitted, it reinstated Petitioner's MA case and provided Petitioner with MA coverage with no lapse. The Department stated that on January 6, 2016, it sent Petitioner a Health Care Coverage Determination Notice informing her that she was approved for MA benefits for January 1, 2016, ongoing. Although the Department failed to provide the Notice for review as instructed, Petitioner confirmed receiving the Notice and that her MA case had been reinstated.

The evidence presented established that prior to the hearing, the Department corrected the action that Petitioner requested a hearing on, reinstated her MA case and provided her with the MA benefits she missed. Therefore, there remains no issue left to be resolved with respect to Petitioner's request for hearing regarding MA. As such, Petitioner's MA hearing request is **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.

In the present case, Petitioner requested a hearing to dispute the Department's actions with respect to her FAP case. At the hearing, the Department stated that in July 2015, Petitioner's FAP case improperly closed. The Department testified that Petitioner had timely completed and returned the Semi-Annual review for her FAP case, however, due to the Department's error, the review was not processed and Petitioner's FAP case closed. The Department representative present for the hearing stated that after receiving Petitioner's hearing request, he instructed Petitioner's case worker to reinstate the FAP case effective July 1, 2015, and supplement Petitioner for missed FAP benefits, however, this was not done. The Department manager present for the hearing acknowledged that Petitioner's FAP case closed in error, that the case should be reinstated and that Petitioner should receive FAP supplements of \$194 monthly for the period of July 1, 2015, ongoing.

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 based on the Department's testimony at the hearing the Department did not act in accordance with Department policy when it closed Petitioner's FAP case effective July 1, 2015.

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 July 1, 2015;
2. Issue FAP supplements to Petitioner from July 1, 2015, ongoing; 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: **2/25/2016**

Date Mailed: **2/25/2016**

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;

