



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

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Date Mailed: March 16, 2016
MAHS Docket No.: 16-000707
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 March 7, 2016, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by ██████████ Eligibility Specialist, and ██████████, Family Independence Manager.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

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 benefits.
2. On November 18, 2015, the Department sent Petitioner a New Hire Client Notice concerning her daughter ██████████ employment at ██████████ requesting that the completed document be returned by November 30, 2015. The Notice informed Petitioner that failure to return the form could result in cancellation of public assistance benefits. (Exhibit A, pp. 1-2).
3. The Department did not receive the completed New Hire Client Notice.

4. On December 8, 2015, the Department sent Petitioner a Notice of Case Action notifying her that her FAP case was closing effective December 31, 2015.
5. On January 22, 2016, the Department received Petitioner's written request for hearing disputing the Department's actions concerning her FAP and Medicaid (MA) cases.

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.

Petitioner requested a hearing concerning her FAP and MA cases. When asked what action the Department had taken concerning her MA cases, Petitioner indicated that she was not sure but believed the case may have closed. The Department presented a program request summary showing that Petitioner, her four children, and her grandchild all had active MA cases (Exhibit B). A client is eligible for a hearing for the 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 the standards of promptness; and, for FAP only, the current level of benefits or denial of expedited service. BAM 600 (January 2015), pp. 4-5. Because Petitioner failed to establish that the Department had taken any negative action with respect to her MA cases, her request for hearing concerning MA is dismissed.

Petitioner also request a hearing concerning the closure of her FAP case. The Department explained that the case closed because Petitioner failed to submit a completed New Hire Client Notice concerning her daughter [REDACTED] employment with [REDACTED].

When an active FAP recipient has failed to report employment and the Department becomes aware of the employment pursuant to a State New Hire Match, a daily data exchange of information where Michigan employers report new employees within 20 days of the hire date, the Department is required to request verification by generating a DHS-4635, New Hire Client Notice. BAM 807 (July 2015), p. 1. If verifications are not returned by the tenth day, case action will need to be initiated to close the case in Bridges. BAM 807, p. 2.

In this case, the Department established that it sent Petitioner a New Hire Client Notice on November 18, 2015 concerning her daughter [REDACTED] employment at [REDACTED] [REDACTED] requesting that the completed document be returned by November 30, 2015. Petitioner did not dispute the fact that she did not submit a completed New Hire Client Notice. Because Petitioner did not return a completed New Hire Client Notice to the Department by the November 30, 2015 due date, the Department properly initiated case closure by sending Petitioner a December 8, 2015 Notice of Case Action notifying her that her FAP case would close effective December 31, 2015.

At the hearing, Petitioner explained that her daughter began a two-week training program with [REDACTED] but did not complete the second week's training and was never received any income from [REDACTED]. The Department acknowledged receiving a document from [REDACTED] on December 22, 2015 indicating that Petitioner's daughter was employed only from October 5, 2015 to October 13, 2015. While this document supports Petitioner's testimony that her daughter was only employed for a single week, it does not establish that she did not receive any income. Moreover, because the letter was not received by the Department by November 30, 2015, when the New Hire Client Notice was due, under Department policy, case closure was properly initiated and Petitioner would be required to reapply for benefits. BAM 807, p. 2.

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 acted in accordance with Department policy when it closed Petitioner's FAP case.

DECISION AND ORDER

Petitioner's hearing request concerning her MA case is **DISMISSED**.

The Department's FAP decision is **AFFIRMED**.



ACE/tlf

Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

via electronic mail:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]