



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: June 20, 2016  
MAHS Docket No.: 16-006272  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

### **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 June 8, 2016, from Lansing, Michigan. Petitioner appeared and testified. Eligibility Specialist [REDACTED] and Assistance Payments Supervisor [REDACTED] appeared for the Department and testified. Department's Exhibit A, pages 1-50 was admitted into evidence.

### **ISSUE**

Did the Department properly close Petitioner's Medical Assistance (MA)?

Did the Department properly deny Petitioner's Food Assistance Program (FAP) application?

### **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 Medical Assistance (MA) benefits. Petitioner's Medical Assistance (MA) was due for redetermination by May 1, 2016.
2. On March 14, 2016, Petitioner was sent a Redetermination (DHS-1010) for the Medical Assistance (MA) eligibility re-determination. The Redetermination (DHS-1010) and required verifications were due back to the Department by April 1, 2016.

3. On March 30, 2016, Petitioner submitted an online application for Food Assistance Program (FAP) benefits. The application indicated that between Petitioner and her spouse, they had four separate bank accounts for savings and checking.
4. On April 4, 2016, Petitioner was sent a Verification Checklist (DHS-3503) regarding her Food Assistance Program (FAP) application. The Verification Checklist (DHS-3503) requested verification of the last 30 days of Petitioner's earned income, verification of Petitioner and her spouse's checking accounts, and verification of Petitioner's savings account. The verifications were due back on April 14, 2016.
5. On April 11, 2016, Petitioner was sent another Verification Checklist (DHS-3503) regarding her Food Assistance Program (FAP) application. This checklist requested verification of Petitioner's spouse's checking account. The verifications were due back on April 21, 2016.
6. On April 22, 2016, the Department had not received the Redetermination (DHS-1010) for Petitioner's Medical Assistance (MA). Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated her Medical Assistance (MA) would end May 1, 2016.
7. On April 28, 2016, the Department had not received 30 days verification of Petitioner's earned income or verification of the balance in Petitioner's spouse's savings account. Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) application was denied.
8. On May 5, 2016, Petitioner submitted a hearing request.

### **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.

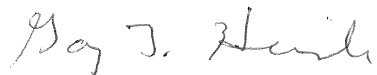
During this hearing Petitioner did not dispute that she only submitted verification of 1 week of her earned income or that the Medical Assistance (MA) Redetermination (DHS-1010) was not submitted.

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 Medical Assistance (MA) and denied her Food Assistance Program (FAP) application.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

GH/nr

  
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Gary Heisler  
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]

Petitioner

[REDACTED]