



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: November 4, 2016  
MAHS Docket No.: 16-014175

[REDACTED]  
[REDACTED]

**ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie**

**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 October 25, 2016, from Lansing, Michigan. The Petitioner was represented by himself and Petitioner's mother, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly determine the Petitioner's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA)?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was a recipient of FAP and MA benefits.
2. On August 15, 2016, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, which was due August 25, 2016 for written verification about employment. Department Exhibit 1, pgs. 4-7.
3. On August 15, 2016, the Department Caseworker sent the Petitioner a Notice of Redetermination Telephone Interview, DHS 574, for an interview on September 1, 2016 at 2:30 p.m. Department Exhibit 1, pg. 8.

4. On August 15, 2016, the Department Caseworker sent the Petitioner a Notice of Food Assistance Benefits Redetermination Filing Record, DHS 2063, stating that his FAP benefits would end September 30, 2016 unless his verifications and interview were done by September 15, 2016. Department Exhibit 1, pg. 9.
5. On September 1, 2016, the Department Caseworker sent the Petitioner a Notice of Missed Interview, DHS 254, that he had missed his scheduled interview and that it was his responsibility to reschedule before September 30, 2016. Department Exhibit 1, pg. 10.
6. On September 13, 2016, the Department Caseworker sent the Petitioner a Notice of Health Care Coverage Determination Notice, DHS 1606 that his MA case was closing on October 1, 2016 due to excess income. Department Exhibit 1, pgs. 11-14.
7. On September 21, 2016, the Department received the completed Redetermination from the Petitioner. Department Exhibit 1, pgs. 15-20.
8. On September 21, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
9. On September 28, 2016, the Department Caseworker sent the Petitioner a Notice of Appointment, DHS 170, for an interview on October 1, 2016 at 9:00 a.m. Department Exhibit 1, pg. 21.

### **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.

In this case, the Petitioner was a recipient of FAP and MA benefits. On August 15, 2016, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, which was due August 25, 2016 for written verification about employment. Department Exhibit 1, pgs. 4-7. On August 15, 2016, the Department Caseworker sent the Petitioner a Notice of Redetermination Telephone Interview, DHS 574, for an interview on September 1, 2016 at 2:30 p.m. Department Exhibit 1, pg. 8.

On August 15, 2016, the Department Caseworker sent the Petitioner a Notice of Food Assistance Benefits Redetermination Filing Record, DHS 2063, stating that his FAP benefits would end September 30, 2016 unless his verifications and interview were done by September 15, 2016. Department Exhibit 1, pg. 9. On September 1, 2016, the Department Caseworker sent the Petitioner a Notice of Missed Interview, DHS 254, that he had missed his scheduled interview and that it was his responsibility to reschedule before September 30, 2016. Department Exhibit 1, pg. 10. On September 13, 2016, the Department Caseworker sent the Petitioner a Notice of Health Care Coverage Determination Notice, DHS 1606 that his MA case was closing on October 1, 2016 due to excess income. Department Exhibit 1, pgs. 11-14.

On September 21, 2016, the Department received the completed Redetermination from the Petitioner. Department Exhibit 1, pgs. 15-20. On September 21, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. On September 28, 2016, the Department Caseworker sent the Petitioner a Notice of Appointment, DHS 170, for an interview on October 1, 2016 at 9:00 a.m. Department Exhibit 1, pg. 21.

During the hearing, the Petitioner mentioned that his job ended at the end of August. The Department stated that he was eligible for MA and that his FAP was still pending because he submitted his redetermination late on September 21, 2016. The Department was missing his employment verification of a DHS 38, from [REDACTED] where he worked for one week. The Petitioner has not been able get the employment verification. His FAP case will close on November 1, 2016. The Department will assist the Petitioner in getting the employment verification from [REDACTED]. If the [REDACTED] is not cooperative, then the Department will use the consolidated inquiry. The Petitioner had excess income for MA on September 13, 2016, but the income ended on September 21, 2016. His MA was scheduled to close, but because of timely hearing request his MA case did not close. The Department agrees to reinstate the Petitioner's MA and assist him to get the employment verification from [REDACTED] and to use the consolidated inquiry if the company is uncooperative.

### **DECISION AND ORDER**

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined the Petitioner's FAP and MA benefits.

