



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: November 22, 2016
MAHS Docket No.: 16-015722
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 November 22, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED]

ISSUE

Did the Department properly take action to close the Petitioner's Food Assistance Program (FAP) case and Medical Cost Share 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. The Petitioner was an ongoing recipient of Medical Cost Share program and FAP benefits.
2. On September 16, 2016, the Department sent the Petitioner a Notice of Case Action informing the Petitioner that as of October 1, 2016, her FAP case was closed. Presumably, at some point in time, the Department had also notified the Petitioner that her Medical Cost Share program would also close.
3. On October 12, 2016, the Department received the Petitioner's written hearing request protesting the Department's determination.

4. On October 27, 2016, the Department sent the Petitioner a Notice of Case Action informing the Petitioner that she was again approved for FAP benefits beginning October 13, 2016.
5. There is no notice of case action in evidence; however, the Petitioner has had the Medical Cost Share approved and has been reimbursed for all Medicare premiums paid.

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.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because [a] claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance.

The uncontested testimony during the hearing was that the Petitioner's Medical Cost Share program was reinstated with no loss of benefit and as such, the Petitioner's Medical Cost Share program ultimately suffered no negative action. Therefore, this Administrative Law Judge has no jurisdiction to hear that action and that portion of the Petitioner's hearing request will therefore be dismissed.

In this case, the Hearing Facilitator at the hearing testified that the Petitioner's cases had closed in error. The Hearing Facilitator testified that a Bridges helpdesk ticket has been issued to supplement the Petitioner's FAP benefits from October 1, 2016 to October 12, 2016 and requested that the Administrative Law Judge issue an order to assist in expediting the Bridges helpdesk ticket. The Petitioner confirmed that she is no longer protesting any action by the Department but for the FAP benefits that she was denied for the first 12 days in October.

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 did not act in accordance with Department policy when it took action to close the Petitioner's FAP case.

Accordingly, the Department's decision is **REVERSED** and the hearing request regarding the Medical Cost Share program is hereby **DISMISSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, INCLUDING ISSUING A NEW ELIGIBILITY NOTICE, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine the Petitioner's eligibility for FAP benefits back to October 1, 2016, and
2. Issue the Petitioner any supplement she may thereafter be due, and
3. Issue and expedite a Bridges helpdesk ticket to assist in the timely processing of this order.



SH/nr

Susanne E. Harris
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]