



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: April 1, 2016
MAHS Docket No.: 16-001529
Agency No.: ██████████
Petitioner: ██████████

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 three way telephone hearing was held on March 28, 2016, from Detroit, Michigan. The Petitioner represented himself. The Department of Health and Human Services (Department) was represented by ██████████, Regulation Agent with the Office of Inspector General and ██████████, Recoupment Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case and process his Medical Assistance (MA) benefits?

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 verbally withdrew his hearing request concerning the MA program.
3. On April 29, 2015, an administrative hearing was held at the conclusion of which Petitioner was found to have committed an intentional program violation (IPV) of the FAP and found to have received an overissuance of FAP benefits in the amount of \$1200. It was ordered that Petitioner be disqualified from the FAP for 12 months due to the IPV. (Exhibit A)

4. On February 5, 2016, the Department sent Petitioner an Intentional Program Violation Client Notice informing him that he would be disqualified from receiving FAP benefits for 12 months and that he was ineligible from March 1, 2016, to February 28, 2017. The Notice also informs Petitioner that after removing the disqualified member's needs and starting administrative recoupment, the monthly FAP allotment will be reduced to \$0, effective February 28, 2016. (Exhibit D)
5. On February 5, 2016, the Department sent Petitioner a Notice of Case Action informing him that effective March 1, 2016, his FAP case would be closed on the basis that he has an IPV disqualification of the FAP. (Exhibit C)
6. On February 10, 2016, 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.

The hearing was requested to dispute the Department's action taken with respect to Petitioner's Medical Assistance (MA) program benefits. Shortly after commencement of the hearing, Petitioner testified that he now understood the actions taken by the Department and did not wish to proceed with the hearing. Petitioner stated that he currently has active MA benefits and that the issue had been resolved. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing is, hereby, **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 this case, Petitioner requested a hearing to dispute the closure of his FAP case effective March 1, 2016. The Department testified that Petitioner was ineligible to receive FAP benefits, as he is subject to a 12 month disqualification from the FAP as a result of having been found to have committed an IPV.

Additionally, a disqualified person is one who is ineligible for FAP benefits due to a failure to meet an eligibility factor. Individuals may be disqualified from receiving FAP benefits based on an intentional program violation. BEM 212 (October 2015), p. 8. A court or hearing decision that finds a client committed IPV disqualifies that client from receiving program benefits. BAM 720 (January 2016), p. 15. A disqualified recipient remains a member of an active group as long as he lives with them, and other eligible group members may continue to receive benefits. BAM 720, p. 16. Clients who commit an IPV are disqualified for a standard disqualification period of one year for the first IPV. BAM 720, p. 16.

At the hearing, the Department presented sufficient evidence to establish that Petitioner was subject to an IPV disqualification which was imposed by the Department effective March 1, 2016. (Exhibit A; Exhibit C; Exhibit D). Although Petitioner that he was never notified of the IPV hearing or subsequent Hearing Decision, the merits of the IPV hearing and whether proper notice was sent were not addressed. Petitioner is informed that he is entitled to submit a new application for FAP benefits at the conclusion of the 12 month FAP disqualification.

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

Accordingly, the hearing request with respect to MA is **DISMISSED** and the Department's FAP decision is **AFFIRMED**.



Zainab Baydoun

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

ZB/tlf

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

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