



RICK SNYDER  
GOVERNOR

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

MIKE ZIMMER  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed:  
MAHS Docket No.: 16-002128

[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 March 24, 2016, from Lansing, Michigan. The Petitioner was represented by the Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED], Family Independence Manager (FIM) and [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly close the Petitioner’s Medical Assistance (MA) and Food Assistance Program (FAP) cases because he failed to submit the required redetermination to determine continued eligibility?

**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 MA, MA Cost Share Program (CSP), and FAP with a redetermination due October 2015.
2. On September 15, 2015, the Department sent the Petitioner a redetermination application that was due on October 1, 2015. Department Exhibit 8-13.

3. On September 1, 2015, the Department mailed the Petitioner a Mid-Certification Contact Notice, DHS-2240A, which was due October 1, 2015 for the red FAP. Department Exhibit 38-40.
4. On October 10, 2015, the Department mailed the Petitioner a notice of Potential FAP Closure, DHS 2240B, that effective October 31, 2015 that his FAP case would be closed because he had not returned his Mid-Certification Contact Notice, DHS-2240A, by the due date of October 1, 2015. Department Exhibit 41.
5. On October 19, 2015, the Department sent the Petitioner a Health Care Coverage Determination Notice that his MA and MA CSP cases were pending to close effective November 1, 2015 because he failed to submit the required verifications by the due date of October 1, 2015. Department Exhibit 14-17.
6. On November 3, 2015, the Department received a completed Mid-Certification Contact Notice, DHS-2240A, via the local office drop box. Department Exhibit 32-44.
7. On November 18, 2015, the Petitioner submitted to the Department his completed DCH-1426, Application for Health Coverage & Help Paying Costs. Department Exhibit 18-30.
8. On November 19, 2015, the Petitioner submitted to the Department an Application for Assistance, DHS 1171, applying for FAP benefits. Department Exhibit 45-68.
9. On November 19, 2015, the Petitioner was approved for MA effective November 1, 2015 and MA CSP effective December 1, 2015 and sent a notice. Department Exhibit 31-34.
10. On December 2, 2015, the Petitioner was approved for FAP benefits and sent a notice. Department Exhibit 69-74.
11. On February 12, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

### **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 MA, MA Cost Share Program (CSP), and FAP with a redetermination due October 2015. On September 15, 2015, the Department sent the Petitioner a redetermination application that was due on October 1, 2015. Department Exhibit 8-13. On September 1, 2015, the Department mailed the Petitioner a Mid-Certification Contact Notice, DHS-2240A, which was due October 1, 2015 for the red FAP. Department Exhibit 38-40. On October 10, 2015, the Department mailed the Petitioner a notice of Potential FAP Closure, DHS 2240B, that effective October 31, 2015 that his FAP case would be closed because he had not returned his Mid-Certification Contact Notice, DHS-2240A, by the due date of October 1, 2015. Department Exhibit 41. On October 19, 2015, the Department sent the Petitioner a Health Care Coverage Determination Notice that his MA and MA CSP cases were pending to close effective November 1, 2015 because he failed to submit the required verifications by the due date of October 1, 2015. Department Exhibit 14-17.

On November 3, 2015, the Department received a completed Mid-Certification Contact Notice, DHS-2240A, via the local office drop box. Department Exhibit 32-44. On November 18, 2015, the Petitioner submitted to the Department his completed DCH-1426, Application for Health Coverage & Help Paying Costs. Department Exhibit 18-30. On November 19, 2015, the Petitioner submitted to the Department an Application for Assistance, DHS 1171, applying for FAP benefits. Department Exhibit 45-68. On November 19, 2015, the Petitioner was approved for MA effective November 1, 2015 and MA CSP effective December 1, 2015 and sent a notice. Department Exhibit 31-34. On December 2, 2015, the Petitioner was approved for FAP benefits and sent a notice. Department Exhibit 69-74. On February 12, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 115, 210, and 220. BEM 163 and 165.

During the hearing, the Petitioner stated that he turned in all of his required verifications on Thursday, October 29, 2015 after 4 p.m. in the local drop box. He stated that he tried to turn in the paperwork at the local office, but that the office was closed. The FIM stated that the local office was not closed until 5 p.m. on October 29, 2015. In addition, the FIM stated that Department procedure is to check the local drop box at 8 a.m. and 5 p.m. each day. Documents placed in the local drop box after business hours are considered received the next business day. Therefore, if the Petitioner had placed his

documents as he said on October 29, 2015 after 4 p.m. The Department would have received at 5 p.m. when the local drop box was checked and it would have been date stamped Thursday, October 29, 2015. Even if they had been received on Friday, October 30, 2015 in the 8 a.m. pick up, then the verifications would have been stamped Friday, October 30, 2015. The Department found his FAP completed Mid-Certification Contact Notice, DHS-2240A, on November 3, 2015, in the local drop box, which was too late for his FAP benefits, which ended on October 31, 2015. The Department did not receive his MA and MA CSP verifications that the Petitioner claimed that he put in the drop box at that time. The Petitioner MA and CSP was properly processed when received on November 18, 2015 by the Department on November 19, 2015. He is not eligible for MA CSP because coverage begins the calendar month after the processing month. His case was processed in November 2015 so he would not be eligible until December 2015.

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 allowed the Petitioner's FAP benefits to expire on October 31, 2015 because he did not submit the required verifications by the due date and his MA and MA CSP benefits to end October 31, 2015 because the Petitioner did not submit the required verifications by the due date. The Department properly processed his eligibility for benefits when the required verifications were received of FAP on December 2, 2015 and MA and MA CSP on November 19, 2015. As a result, the Petitioner was properly approved for MA effective November 1, 2015 and MA CSP effective December 1, 2015

### **DECISION AND ORDER**

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



CF/db

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**Carmen G. Fahie**  
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]

**Petitioner**

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