



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: August 31, 2016
MAHS Docket No.: 16-010376
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. 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 telephone hearing was held on August 24, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] [REDACTED] Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) cases on the basis that she failed to return verifications?

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. In connection with a redetermination, Petitioner's eligibility to receive FAP and MA benefits was reviewed. (Exhibit A)
3. On April 20, 2016, Petitioner timely submitted her redetermination packet to the Department and a redetermination telephone interview was conducted on May 3, 2016. (Exhibit E)

4. On May 9, 2016, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of her home rent and checking account by May 19, 2016. (Exhibit B)
5. Petitioner did not return the requested verifications by the due date or prior to the end of the certification period.
6. On May 31, 2016, the Department sent Petitioner a Notice of Case Action informing her that effective June 1, 2016, her FAP case would be closed on the basis that she failed to return verification of her home rent and checking account information. (Exhibit C)
7. On May 31, 2016, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that effective July 1, 2016, her MA case would be closed on the basis that she failed to return verification of her checking account. (Exhibit D)
8. On July 19, 2016, the Department received the verification of Petitioner's home rent and checking account information. (Exhibit F)
9. On July 19, 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).

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.

The Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (January 2016), p. 1. If a FAP client does not begin the redetermination process, the Department will allow the benefit period to expire. A FAP client must also complete an interview. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 3-4. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. A redetermination packet is considered complete when all sections of the redetermination form including the signature section are completed. BAM 210, p. 10.

Additional verifications may be required at redetermination. For FAP cases, verifications must be provided by the end of the current benefit period **or** within 10 days after they are requested, whichever allows more time. The Department will issue a DHS-3503, Verification Checklist after the redetermination interview for any missing verifications allowing 10 days for their return. BAM 210, p. 15. For MA cases, verifications are due the same date as the redetermination. The Department allows a client a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. Bridges gives timely notice of the negative action if the time limit is **not** met.

FAP benefits stop at the end of the benefit period unless a redetermination is completed, verifications received, and a new benefit period is certified. BAM 210, p. 2. The Department will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.10. For MA cases, benefits stop at the end of the benefit period unless a redetermination is completed, requested verifications are received and a new benefit period is certified. BAM 210, p. 2. The Department will provide the client with timely notice of the negative action if the time limit is not met. BAM 210, p.14.

In this case, the Department testified that although Petitioner timely submitted her redetermination form and participated in the FAP telephone interview, because Petitioner did not submit verification of her home rent and checking account information as instructed in the VCL, it sent Petitioner a Health Care Coverage Determination Notice and Notice of Case Action advising of the closure of her MA and FAP cases, respectively. The Department confirmed receiving the requested verifications on July 19, 2016, however, the Department stated that it was too late as Petitioner's MA case had already closed and the subsequent processing deadline referenced in BAM 115 had expired. At the hearing, Petitioner did not dispute the Department's testimony. Petitioner stated that she reported the requested information concerning her home rent and checking account on the redetermination form submitted on April 20, 2016, however, Petitioner confirmed that she did not provide the actual verification documents until July 19, 2016.

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 and MA cases on the basis that she failed to timely provide requested verifications.

DECISION AND ORDER

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



ZB/tlf

Zainab A. Baydoun

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]

Via Electronic Mail:

[REDACTED]
[REDACTED]
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