



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
Date Mailed: November 28, 2016
MAHS Docket No.: 16-013616
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on November 21, 2016, from Inkster, Michigan. Petitioner appeared and was represented by his attorney, [REDACTED]. [REDACTED], Petitioner's landlord, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

ISSUE

The issue is whether Petitioner established a loss of Medical Assistance (MA) 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. Petitioner was an ongoing Food Assistance Program (FAP) and MA recipient.
2. On [REDACTED], Petitioner requested a hearing to dispute a termination of MA and FAP benefits.
3. As of the hearing date, MDHHS issued MA benefits to Petitioner for all benefits from May 2016.
4. Petitioner withdrew his dispute concerning FAP eligibility.

CONCLUSIONS OF LAW

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. MDHHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a termination of MA coverage. Petitioner's written hearing request was not clear on when the termination began. Petitioner testimony indicated he was uncertain when a termination began because he received conflicting notices from MDHHS. The earliest month Petitioner's MA eligibility was affected, per Petitioner's testimony, was May 2016. May 2016 will be interpreted as the month Petitioner disputed MA eligibility.

MDHHS presented an Eligibility Summary (Exhibit 1, p. 1) dated [REDACTED]. The document verified "approved" coverage for MA benefits since May 2016.

Petitioner alleged MDHHS improperly terminated his MA eligibility at various times in the last few months. Petitioner testimony expressed frustration at MDHHS for the stress he endured while attempting to have his benefit eligibility reinstated. MDHHS may have improperly terminated Petitioner's MA eligibility, however, presented evidence verified Petitioner ultimately experienced no loss of benefits.

The Michigan Administrative Hearing System may grant a hearing about any of the following (see BAM 600 (June 2015), p. 4):
(October 2015), pp. 4-5

- denial of an application and/or supplemental payments;
- reduction in the amount of program benefits or service;
- suspension or termination of program benefits or service
- restrictions under which benefits or services are provided;
- delay of any action beyond standards of promptness; or
- the current level of benefits or denial of expedited service (for Food Assistance Program benefits only).

With Petitioner's MA eligibility restored, Petitioner is left with no dispute for which an administrative remedy can be granted. Petitioner's hearing request will be dismissed concerning MA eligibility.

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's hearing request stated a dispute concerning FAP benefit termination. Petitioner initially testified he wanted a hearing to dispute various FAP eligibility reductions as far back as 2015. Petitioner subsequently testified he did not wish to dispute FAP eligibility. Petitioner's testimony equated to a withdrawal of his hearing request. Based on Petitioner's withdrawal of his hearing request, Petitioner's hearing request will be dismissed concerning the FAP benefit dispute.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner has no loss of MA eligibility since at least May 2016. It is further found that Petitioner withdrew his FAP benefit dispute concerning FAP eligibility. Petitioner's hearing request is **DISMISSED**.

CG/hw



Christian Gardocki
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]

Counsel for Petitioner

[REDACTED]

Petitioner

[REDACTED]