



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 29, 2016  
MAHS Docket No.: 16-015726  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly deny the Petitioner's Medical Assistance (MA) and Food Assistance Program (FAP) applications?

**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 applied for FAP and MA on [REDACTED].
2. The Department issued a Verification Checklist (VCL) on [REDACTED], with a due date of [REDACTED]. Exhibit A.
3. The Department issued a Notice of Case Action on [REDACTED], denying the Petitioner's MA and FAP applications for failure to provide verifications.
4. The Petitioner returned bank account information on [REDACTED], but did not provide employment income or paystubs as requested until [REDACTED].

5. The Petitioner requested a timely hearing on [REDACTED], protesting the Department's 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 applied for FAP and MA on [REDACTED]. Thereafter, the Petitioner was sent a VCL to respond to by [REDACTED]. The Petitioner testified that she did not receive the VCL and has trouble with her mail due to her landlord. Thereafter, the Department sent a Notice of Case Action dated [REDACTED], denying the FAP and MA applications for failure to verify information effective [REDACTED]. Exhibit B. The Petitioner then provided the Department on some of the verification information on [REDACTED], but did not provide any of the employment verification and earnings from employment as requested. Subsequently, the Petitioner provided the employment and earnings information on [REDACTED], within 60 days of the application date.

Department policy provides:

#### **APPLICATION AFTER DENIAL/TERMINATION**

#### **All Programs**

The following applies when an application is denied or eligibility is terminated before the month of a scheduled redetermination or end date:

- The application on file remains valid through the last day of the month **after** the month of the denial or termination. To reapply during this time, the client/AR must do all of the following:
  - Update the information on the existing application.
  - Initial and date each page next to the page number to show that it was reviewed.
  - Re-sign and re-date the application on the signature page.
- If eligibility exists, the updated application is valid until the originally scheduled redetermination or end date. Bam 115, (October 1, 2016), pp. 6-7.

#### **FAP Only**

Proceed as follows when a client completes the application process **after denial** but within 60 days after the application date.

#### ***On or before the 30th day:***

- Re-register the application, using the **original** application date.
- If the client is eligible, determine whether to prorate benefits according to initial benefits policy in this item.

#### ***Between the 31st and 60th days:***

- Re-register the application, using the date the client **completed** the process.
- If the client is eligible, prorate benefits from the date the client complied. BAM 115, (October 1, 2016), pp. 23-24

In this case, the Department testified and represented that it re-registered the Petitioner's applications as of [REDACTED]. The Department's reinstatement of the applications occurred after Petitioner's hearing request; and thus, although re-registration occurred after the hearing request, no further relief is necessary as the Department has reinstated the case. Even though the Petitioner credibly testified that she did not receive the VCL, once she discovered that she needed to provide employment information, she was required to provide the information within 30 days of the denial date of [REDACTED], or by [REDACTED] in order for her benefits to start on the application date. Unfortunately, the Petitioner did not provide the

employment information earnings until [REDACTED]; and thus, her case can only be reinstated as of that date; the date her verifications were complete.

### **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 acted in accordance with Department policy when it denied the application for failure to provide verification and further acted in accordance with policy when it re-registered the FAP and MA applications as of [REDACTED].

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

LMF/jaf



**Lynn M. Ferris**

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]

[REDACTED]