



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: February 3, 2017
MAHS Docket No.: 16-018250
Agency No.: [REDACTED]
Petitioner: [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 January 24, 2017, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist and [REDACTED] Assistance Payments Supervisor.

ISSUE

Did the Department properly determine the Petitioner's continued eligibility for Food Assistance Program (FAP) and Medicaid (MA)?

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 FAP and MA with a redetermination due in November 2016.
2. On October 10, 2016, the Department Caseworker sent Petitioner a Redetermination Application, DHS 1010, that was due on November 9, 2016, for an interview also on November 9, 2016. Department Exhibit 1, pgs. 7-12.
3. On November 9, 2016, the Department Caseworker sent Petitioner a Notice of Missed Interview, DHS 254, that she had to reschedule her interview before

November 30, 2016, or her redetermination would be denied. Department Exhibit 1, pg. 6.

4. On November 23, 2016, the Department received a hearing request from Petitioner, contesting the Department's negative action.
5. On November 29, 2016, Petitioner submitted to the Department her Redetermination Application and check stubs. Department Exhibit 1, pg. 6.

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, Petitioner was a recipient of FAP and MA with a redetermination due in November 2016. On October 10, 2016, the Department Caseworker sent Petitioner a Redetermination Application, DHS 1010, that was due on November 9, 2016, for an interview also on November 9, 2016. Department Exhibit 1, pgs. 7-12. On November 9, 2016, the Department Caseworker sent Petitioner a Notice of Missed Interview, DHS 254, that she had to reschedule her interview before November 30, 2016, or her redetermination would be denied. Department Exhibit 1, pg. 6. On November 23, 2016, the Department received a hearing request from Petitioner, contesting the Department's negative action. On November 29, 2016, Petitioner submitted to the Department her Redetermination Application and check stubs. Department Exhibit 1, pg. 6. BAM 210.

During the hearing, the Department stated that they are processing her redetermination because it was received on November 29, 2016. The Petitioner's MA has been

reinstated. They are currently processing her FAP benefits using the check stubs that she provided on November 29, 2016.

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 determined that Petitioner was eligible for continued MA, but the Department is currently processing her FAP case based on check stubs provided to determine continued eligibility.

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



CF/mc

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]

Petitioner

[REDACTED]