



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: June 14, 2017
MAHS Docket No.: 17-005735
Agency No.: ██████████
Petitioner: ██████████

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 ██████████, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by ██████████, Assistance Payments Supervisor, and ██████████, Assistance Payments Worker.

ISSUE

Did the Department properly process the Petitioner's Food Assistance Program (FAP)?

Did the Department properly close the Petitioner's Medical Assistance (MA) Healthy Michigan Plan (HMP) due to excess income?

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 an ongoing MA recipient of MA (HMP). The Department closed the Petitioner's MA on ██████████, due to excess income.
2. The Department reinstated the Petitioner's MA as of ██████████. Exhibit A.
3. The Petitioner's FAP case was pended, pending receipt of a completed New Hire Notice and paystubs. The New Hire Notice and paystubs were timely provided by Petitioner.

4. The Department, as of the hearing, had not processed the Petitioner's FAP information to determine eligibility. The Petitioner's FAP case has a different case number than her MA case; FAP case number is [REDACTED].
5. The Petitioner requested a timely hearing on [REDACTED].

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 Department presented an eligibility summary which established that Petitioner's MA for HMP had been reinstated without lapse in coverage. Exhibit A. Based upon the evidence presented, the Petitioner withdrew her hearing request regarding MA closure at the hearing.

The Petitioner's FAP case had a different case number than her MA case, which the Department could not explain. The Petitioner's FAP was pending receipt of new hire notice and paystubs. At the time of the hearing, the Department agreed the paystubs and New Hire Notice were timely received by the Department but had not processed the information to determine eligibility; and the Petitioner's FAP was pending. Given the status of the FAP case, the undersigned has no issue to be determined as the Department has not as of the hearing processed the FAP benefits so that their determination can be reviewed. However, based upon the evidence, the Department must process the FAP case and determine Petitioner's eligibility for FAP.

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 Petitioner's hearing request regarding MA was withdrawn by Petitioner at the hearing on the record.

Accordingly, the Petitioner's request for hearing regarding her MA is **DISMISSED**.

It is so **ORDERED**.

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 as regards the Petitioner's FAP case, the Department failed to demonstrate and meet its burden of proof to demonstrate that it correctly processed the Petitioner FAP benefit case to determine ongoing eligibility.

Accordingly, the Department's actions are **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall process the Petitioner's FAP case and determine eligibility and issue Petitioner an FAP supplement if the Petitioner is otherwise eligible to receive same.

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]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
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[REDACTED]