RICK SNYDER GOVERNOR

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

SHELLY EDGERTON

Date Mailed: July 7, 2017
MAHS Docket No.:
Agency No.:
Petitioner:

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; 42 CFR 438.400 to 438.424; 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 the hearing and was represented by from Detroit, Michigan. The Petitioner appeared for the hearing and was represented by from Detroit, her Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by Hearing Facilitator and Hearing, Family Independence Manager.

ISSUE

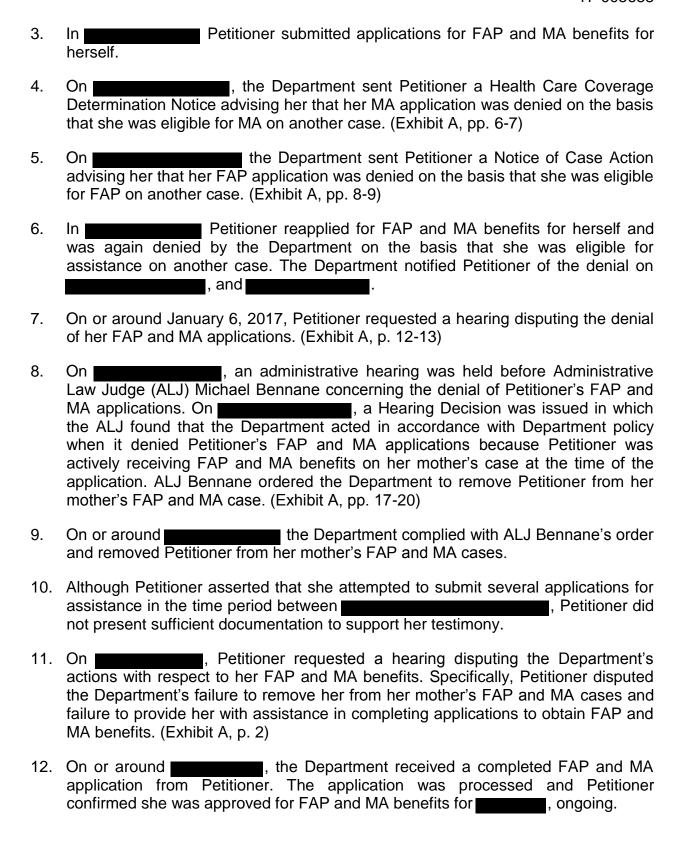
Did the Department properly remove Petitioner from her mother's existing Food Assistance Program (FAP) and Medical Assistance (MA) cases?

Did the Department fail to process Petitioner's application for FAP and MA benefits?

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 previously approved for and received FAP and MA benefits on her mother's case.
- 2. In or around Petitioner moved from her mother's home.

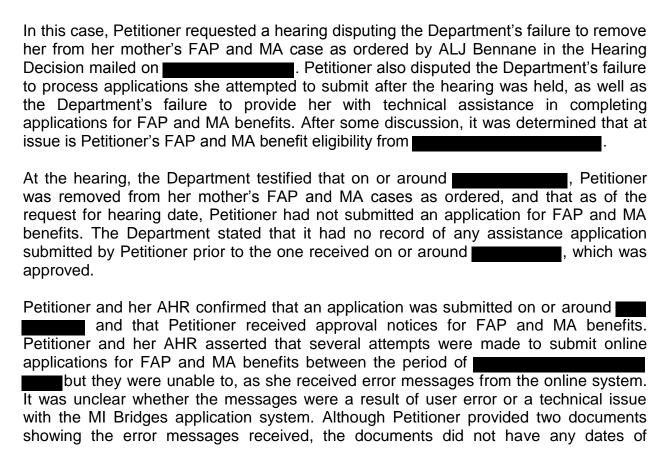


CONCLUSIONS OF LAW

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.



reference, thus, it was unconfirmed that the applications were attempted during the period alleged by Petitioner. (Exhibit 1).

BAM 105 provides that on the same day a person comes to the local office, a person has a right to file an application and get local office help to provide the minimum information for filing. BAM 105 (October 2016), p. 1. An application, whether faxed, mailed or received from the internet must be registered with the receipt date, if it contains the minimum information. BAM 105, p. 1. A MI Bridges online application is considered the same as the paper DHS-1171 Assistance Application. BAM 110 (January 2017), p. 1. For paper applications, the date of application is the date the local office receives the required minimum information on an application or filing form. Electronically filed applications include all applications filed online in MI Bridges. BAM 110, p.6. The Department is required to register and process applications received in accordance with Department policies. See BAM 110 and BAM 115.

At the hearing, Petitioner's AHR testified that Petitioner's MI Bridges had a list of the applications that she attempted to submit on Petitioner's behalf which included "T" tracking/confirmation numbers and the dates. Petitioner's AHR was provided with an opportunity to provide the undersigned ALJ with the verification after the hearing, as she did not have it present in the hearing room. However, the documents submitted by Petitioner's AHR do not reflect application dates during the period at issue and do not include tracking or confirmation numbers for processing. (Exhibit 2). Petitioner and her AHR confirmed at the hearing that they did not come to the local Department office in person to complete a paper application (DHS-1171) after having difficulties with the online application system. Therefore, upon further review, Petitioner did not establish that the Department failed to process an application submitted or that the Department failed to provide her with technical assistance in completing applications for FAP and MA benefits.

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 removed Petitioner from her mother's existing FAP and MA cases in compliance with the prior hearing decision. It is further found that the Department did not fail to process Petitioner's application for FAP and MA benefits.

DECISION AND ORDER

Accordingly, the Department's FAP and MA decision is **AFFIRMED**.

ZB/tlf

Zainab A. Baydoun Administrative Law Judge for Nick Lyon, Director

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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

Via Email:	
Via First-Class Mail:	
Authorized Hearing Rep.	
Petitioner	