



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: July 7, 2017

MAHS Docket No.: [REDACTED] 17-005688

Agency No.: [REDACTED]

Petitioner: [REDACTED]

**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 [REDACTED] from Detroit, Michigan. The Petitioner appeared for the hearing and was represented by [REDACTED] [REDACTED], her Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator and [REDACTED], 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 [REDACTED] Petitioner moved from her mother's home.

3. In [REDACTED] Petitioner submitted applications for FAP and MA benefits for herself.
4. On [REDACTED], the Department sent Petitioner a Health Care Coverage Determination Notice advising her that her MA application was denied on the basis that she was eligible for MA on another case. (Exhibit A, pp. 6-7)
5. On [REDACTED] the Department sent Petitioner a Notice of Case Action advising her that her FAP application was denied on the basis that she was eligible for FAP on another case. (Exhibit A, pp. 8-9)
6. In [REDACTED] Petitioner reapplied for FAP and MA benefits for herself and was again denied by the Department on the basis that she was eligible for assistance on another case. The Department notified Petitioner of the denial on [REDACTED], and [REDACTED].
7. On or around January 6, 2017, Petitioner requested a hearing disputing the denial of her FAP and MA applications. (Exhibit A, p. 12-13)
8. On [REDACTED], an administrative hearing was held before Administrative Law Judge (ALJ) Michael Bennane concerning the denial of Petitioner's FAP and MA applications. On [REDACTED], a Hearing Decision was issued in which the ALJ found that the Department acted in accordance with Department policy when it denied Petitioner's FAP and MA applications because Petitioner was actively receiving FAP and MA benefits on her mother's case at the time of the application. ALJ Bennane ordered the Department to remove Petitioner from her mother's FAP and MA case. (Exhibit A, pp. 17-20)
9. On or around [REDACTED] the Department complied with ALJ Bennane's order and removed Petitioner from her mother's FAP and MA cases.
10. Although Petitioner asserted that she attempted to submit several applications for assistance in the time period between [REDACTED], Petitioner did not present sufficient documentation to support her testimony.
11. On [REDACTED], Petitioner requested a hearing disputing the Department's actions with respect to her FAP and MA benefits. Specifically, Petitioner disputed the Department's failure to remove her from her mother's FAP and MA cases and failure to provide her with assistance in completing applications to obtain FAP and MA benefits. (Exhibit A, p. 2)
12. On or around [REDACTED], the Department received a completed FAP and MA application from Petitioner. The application was processed and Petitioner confirmed she was approved for FAP and MA benefits for [REDACTED], ongoing.

### **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 requested a hearing disputing the Department's failure to remove her from her mother's FAP and MA case as ordered by ALJ Bennane in the Hearing Decision mailed on [REDACTED]. Petitioner also disputed the Department's failure to process applications she attempted to submit after the hearing was held, as well as the Department's failure to provide her with technical assistance in completing applications for FAP and MA benefits. After some discussion, it was determined that at issue is Petitioner's FAP and MA benefit eligibility from [REDACTED].

At the hearing, the Department testified that on or around [REDACTED], Petitioner was removed from her mother's FAP and MA cases as ordered, and that as of the request for hearing date, Petitioner had not submitted an application for FAP and MA benefits. The Department stated that it had no record of any assistance application submitted by Petitioner prior to the one received on or around [REDACTED], which was approved.

Petitioner and her AHR confirmed that an application was submitted on or around [REDACTED] and that Petitioner received approval notices for FAP and MA benefits. Petitioner and her AHR asserted that several attempts were made to submit online applications for FAP and MA benefits between the period of [REDACTED] but they were unable to, as she received error messages from the online system. It was unclear whether the messages were a result of user error or a technical issue with the MI Bridges application system. Although Petitioner provided two documents showing the error messages received, the documents did not have any dates of

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 [REDACTED] 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

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**Zainab A. Baydoun**  
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

**Via Email:**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Via First-Class Mail:**

**Authorized Hearing Rep.**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]