



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 15, 2017
MAHS Docket No.: 17-010598
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; 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, a telephone hearing was held on September 7, 2017, from [REDACTED] Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's 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 applied for FAP and MA benefits.
2. On December 6, 2016, the Department Caseworker sent Petitioner a New Hire Notice, DHS 4635, that was due with a due date of December 16, 2016, for [REDACTED] Department Exhibit 1, pgs. 9-10.
3. Petitioner is a full-time college student at the [REDACTED]. Department Exhibit 1, pgs. 13-15.
4. On July 13, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that her MA application was denied

effective August 1, 2017, due to Petitioner's failure to verify or allow the Department to verify requested information. Department Exhibit 1, pgs. 5-6.

5. On July 18, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, stating that Petitioner was denied FAP effective July 13, 2017, ongoing due to Petitioner not being an eligible student. Department Exhibit 1, pgs. 7-8.
6. On July 31, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative 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, Petitioner applied for FAP and MA benefits. On December 6, 2016, the Department Caseworker sent Petitioner a New Hire Notice, DHS 4635, that was due with a due date of December 16, 2016, for [REDACTED] Department Exhibit 1, pgs. 9-10. Petitioner is a full time college student at the University of Michigan at Dearborn. Department Exhibit 1, pgs. 13-15. On July 13, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that her MA application was denied effective August 1, 2017, due to Petitioner's failure to verify or allow the Department to verify requested information. Department Exhibit 1, pgs. 5-6. On July 18, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, stating that Petitioner was denied FAP effective July 13, 2017, ongoing due to Petitioner not being an eligible student. Department Exhibit 1, pgs. 7-8. On July 31, 2017, the Department

received a hearing request from Petitioner, contesting the Department's negative action. BAM 115 and 130. BEM 230b and 245.

During the hearing, the Department Caseworker stated that Petitioner failed to submit a completed a New Hire Notice, DHS 4635, that was due with a due date of December 16, 2016, for [REDACTED] Department Exhibit 1, pgs. 9-10. As a result, she was denied MA on July 13, 2017. In addition, Petitioner is not eligible for FAP benefits because she is a full time college student, but does not work 20 hours per week.

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 not eligible for MA due to failure to provide required verification and for FAP because she is a full time student not working 20 hours as required to eligible for FAP benefits.

DECISION AND ORDER

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



CF/md

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]