



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: March 16, 2017
MAHS Docket No.: 17-001856
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; 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 March 8, 2017, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Rebecca Johnson, Assistance Payment Worker.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case and process her Medical Assistance (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 an ongoing recipient of FAP and MA benefits.
2. In connection with a redetermination, Petitioner's eligibility to receive FAP and MA benefits was reviewed.
3. On an unverified date, Petitioner completed and timely submitted the redetermination. Petitioner reported on the redetermination that she was employed at [REDACTED].
4. The Department had previous employment on file for Petitioner for [REDACTED] that was not reported as current employment on the redetermination.

5. On January 4, 2017, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of her loss of employment by January 17, 2017. (Exhibit A, p. 7)
6. With the VCL, the Department provided Petitioner with Verification of Employment form dated January 4, 2017, to be completed and returned to the Department by January 17, 2017, for her employment/loss of employment at [REDACTED] (Exhibit A, pp. 9-10)
7. The Department did not receive the completed Verification of Employment for Petitioner's employment/loss of employment at [REDACTED] by the due date. (Exhibit A, p. 8)
8. On January 24, 2017, the Department sent Petitioner a Notice of Case Action advising her that effective February 1, 2017, her FAP case would be closed on the basis that she failed to return verification of loss of employment. (Exhibit A, pp. 5-6)
9. On January 30, 2017, Petitioner requested a hearing disputing the Department's actions.
10. On February 28, 2017, the Department received the completed Verification of Employment for Petitioner's employment at [REDACTED].
11. Petitioner reapplied for FAP benefits and was approved for March 2017, ongoing.
12. Petitioner verbally withdrew her hearing request with respect to the MA program.

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).

MA

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.

The hearing was requested to dispute the Department's action taken with respect to Petitioner's Medical Assistance (MA) benefits. Shortly after commencement of the hearing, Petitioner testified that that she now understood and was satisfied with the actions taken by the Department and did not wish to proceed with the hearing. Petitioner stated that the issue has been resolved and that she has active MA benefits. Petitioner confirmed that no promises were made to her in exchange for her withdrawal. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing is, hereby, **DISMISSED**.

FAP

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 Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (January 2017), p. 1. Additional verifications may be required at redetermination or renewal. For FAP cases, verifications must be provided by the end of the current benefit period **or** within 10 days after they are requested, whichever allows more time. The Department will issue a DHS-3503, Verification Checklist after the redetermination interview for any missing verifications allowing 10 days for their return. BAM 210, p. 16. FAP benefits stop at the end of the benefit period unless a redetermination is completed, verifications received, and a new benefit period is certified. BAM 210, pp. 2-3. The Department will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.10-12.

In this case, the Department testified that although Petitioner timely submitted the redetermination and verification of her current employment, because Verification of Employment for her loss of employment at [REDACTED] was not returned by the due date, Petitioner was found to have failed to verify requested information. A Notice of Case Action was issued on January 24, 2017, advising that effective February 1, 2017, Petitioner's FAP case would be closed on the basis that she failed to provide verification of her loss of employment. The Department acknowledged receiving the completed verification of loss of employment on February 28, 2017, after the case closed.

At the hearing, Petitioner confirmed receiving the VCL and the Verification of Employment for [REDACTED]. Petitioner stated that she took the verification form to her former employer to complete and return to the Department. Petitioner testified that her former employer was supposed to complete the form and send it back to the

Department but did not do so timely. Petitioner confirmed that she did not follow up with the employer to ensure the verification would be submitted timely and further confirmed that she submitted the form to the Department on February 28, 2017.

BAM 210 provides that if a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. If however, the client takes the required action within 30 days after the end of the benefit period, the Department is to re-register the redetermination application using the date the client **completed** the process and if eligible, prorate benefits from the date the redetermination application was registered. BAM 210, pp. 20-21. In this case, it was established that Petitioner timely filed the redetermination before the end of the benefit period and took the required action within 30 days after the end of the benefit period, on [REDACTED], 2017. Thus, the Department was required to apply the subsequent processing policy and re-register the redetermination using the [REDACTED], 2017, date and prorate FAP benefits, if eligible.

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 Department did not act in accordance with Department policy when it closed Petitioner's FAP case effective February 1, 2017.

Accordingly, the hearing request with respect to MA is **DISMISSED** and the Department's FAP decision is **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. Re-register and process Petitioner's redetermination effective [REDACTED], 2017;
2. If eligible, prorate FAP benefits and supplement Petitioner for any FAP benefits she was entitled to receive but did not from [REDACTED], 2017, ongoing; and
3. Notify Petitioner in writing of its decision.



ZB/tlf

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:

DHHS Hearings Coordinator – 17 – 1843
BSC4 Hearing Decisions
D. Sweeney
B. Cabanaw
MAHS

Petitioner – Via First-Class Mail:

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