



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 11, 2017
MAHS Docket No.: 17-003229
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 April 5, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED] [REDACTED] and Regulation Agent [REDACTED] [REDACTED]

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) beginning April 1, 2017?

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility beginning March 1, 2017?

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 Food Assistance Program (FAP) and Medical Assistance (MA) benefits. Petitioner was married to [REDACTED] [REDACTED]. According to Petitioner, her household consisted of herself and her four children: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED].
2. On October 24, 2016, the Department received a complaint on the fraud tracking system, alleging that [REDACTED] [REDACTED] also resided in the household. A Front End Eligibility Investigation was assigned.

3. On February 6, 2017, the investigation concluded that [REDACTED] [REDACTED] did reside in Petitioner's household. That conclusion was based on the fact that [REDACTED] employment records, voting registration, automobile registration, and driver's license all show Petitioner's address, as his home address.
4. On February 13, 2017, [REDACTED] [REDACTED] was added to Petitioner's Medical Assistance (MA) and Food Assistance Program (FAP) benefit groups. His earned income was added to the financial eligibility budgets. Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated she was eligible for Medical Assistance (MA) under a \$ [REDACTED] deductible.
5. On February 22, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would close beginning April 1, 2017.
6. On March 1, 2017, Petitioner submitted a hearing request.

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.

Group Composition

The impact on Petitioner's Medical Assistance (MA) and Food Assistance Program (FAP) were caused by the Department including Petitioner's husband in the benefit groups. Petitioner testified that [REDACTED] does not live with her. Petitioner asserted that they filed their 2016 taxes separately and submitted some income tax documents into evidence. (Petitioner's Exhibit 1 pages 1-10) None of these tax documents are 1040 forms which show that Petitioner filed her 2016 federal income tax as "married filing

separately". Petitioner has failed to submit sufficient evidence to rebut the Department's evidence showing that [REDACTED] resides in her household.

Medical Assistance (MA)

The Department submitted evidence from [REDACTED] employer, [REDACTED] Inc. showing his gross earnings up to February 3, 2017. His income was input into the BRIDGES computer program and it calculated Petitioner's Medical Assistance (MA) eligibility. Petitioner's Medical Assistance (MA) financial eligibility budget was reviewed and found to be correct in accordance with Department policy.

Food Assistance Program (FAP)

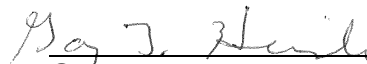
The Department submitted evidence from [REDACTED] employer, [REDACTED] Inc. showing his gross earnings up to February 3, 2017. His income was input into the BRIDGES computer program and it calculated that Petitioner was not eligible for Food Assistance Program (FAP) benefits due to having excess income. Petitioner's Food Assistance Program (FAP) financial eligibility budget was reviewed and found to be correct in accordance with Department policy.

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 closed Petitioner's Food Assistance Program (FAP) beginning April 1, 2017 and determine Petitioner's Medical Assistance (MA) eligibility beginning March 1, 2017.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]