



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: February 23, 2018
MAHS Docket No.: 17-016591
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 February 8, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Eileen Kott, Family Independence Manager.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA), Food Assistance Program (FAP), and Family Independence Program (FIP) cases?

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 MA, FAP and FIP recipient.
2. On May 23, 2017, the Department sent Petitioner a New Hire Client Notice to verify employment information with [REDACTED] with a due date of June 2, 2017(Exhibit C).
3. On October 23, 2017, the Department sent Petitioner a New Hire Client Notice to verify employment information with [REDACTED] (Exhibit D).
4. On October 23, 2017, the Department sent Petitioner a Notice of Case Action informing Petitioner that her FAP and FIP benefit cases were closing effective December 1, 2017, ongoing for her failure to verify requested information.

5. On October 23, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice informing Petitioner that her MA benefit case was closing effective December 1, 2017, ongoing, for her failure to verify requested information.
6. On December 19, 2017, Petitioner submitted a request for hearing disputing the Department's actions.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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, the Department received a New Hire Match which indicated Petitioner was employed with [REDACTED]. On May 23, 2017, the Department sent Petitioner a New Client Hire Notice regarding her employment with [REDACTED]. The form was due by June 2, 2017.

When the Department receives a New Hire Match, it will request verification from the client by sending a DHS-4635 New Hire Client Notice. BAM 807 (April 2017), p. 1. The Department allows 10 calendar days to provide the verification from the date the forms

were requested. BAM 807, p. 2. If verifications are not returned by the tenth day, a negative case action will be sent notifying the client of the closure of their benefit case.

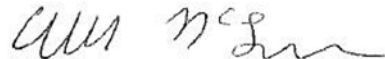
The Department testified that it sent another New Hire Client Notice to Petitioner on October 23, 2017, for [REDACTED]. The Department testified that Petitioner's FIP, FAP and MA cases were closed due to her failure to return both of the New Hire Client Notices. However, given that the second new hire went out on the same date that Petitioner's benefit cases were closed, it is likely Petitioner's benefit cases were closed due to her failure to return the first new hire notice that was sent on May 23, 2017, with a due date of June 2, 2017.

Petitioner testified that she did not receive the May 23, 2017 notice. Petitioner testified that her employer received an employment verification and she was told that the employer would complete and send the document on her behalf. Ultimately the responsibility to ensure the proper verifications are submitted to the Department lies with the client. The Department provided sufficient evidence that Petitioner failed to return the May 23, 2017 New Client Hire Notice. Therefore, the Department acted in accordance with policy when it closed Petitioner's FIP, FAP, and MA benefit cases.

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 the Department acted in accordance with Department policy when it closed Petitioner's MA, FIP and FAP benefit cases. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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:

MDHHS-Wayne-76-Hearings
B. Sanborn
B. Cabanaw
M. Holden
D. Sweeney
M. Best
EQAD
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

