



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: May 18, 2018  
MAHS Docket No.: 18-003963  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Vicki Armstrong**

**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 May 15, 2018, from Lansing, Michigan. Petitioner personally appeared and testified. Petitioner submitted five exhibits which were admitted into evidence.

The Department of Health and Human Services (Department) was represented by Assistance Payment Worker [REDACTED]. [REDACTED] testified on behalf of the Department. The Department submitted 16 exhibits which were admitted into evidence.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits based on too much income?

Did the Department fail to address Petitioner's hearing request regarding Medicaid (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. In December of 2017, Petitioner submitted a FAP redetermination with paystubs. [Dept. Exh. 1].

2. Due to an agency error, Petitioner's case was not certified timely and the Notice of Case Action denying Petitioner FAP benefits was not mailed until [REDACTED]. [Dept. Exh. 1]
3. On [REDACTED], Petitioner reapplied for FAP and was approved. [Dept. Exh. 1].
4. Petitioner submitted a hearing request on [REDACTED], requesting a hearing for FAP and MA. [Dept. Exh. 3-4].

### **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 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.

As an initial matter, Petitioner indicated throughout the hearing, that he wanted a hearing regarding his wife's Medicaid benefits, because of accumulating medical bills and her pregnancy. A review of the hearing summary indicates that Medicaid was not addressed. It is also noted that there was nothing in the hearing packet regarding Petitioner's Medicaid benefits. Therefore, a proper hearing could not be held, and Petitioner is still disputing his Medicaid benefits.

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.

Regarding Petitioner's FAP benefits, Petitioner indicated multiple times throughout the hearing that he now understood why he was denied FAP benefits. Petitioner only requested this FAP hearing because he was working in March, 2018, and did not know that because the Department failed to timely certify his FAP redetermination, the income used in the [REDACTED] Notice of Case Action was actually from December 2017, not March 2018, when he was unemployed. Petitioner testified that once he reapplied and submitted the proper documentation, he was granted FAP benefits.

Therefore, the Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it determined Petitioner's FAP benefits, but did not act in accordance with Department policy when it failed to prepare the hearing summary and hearing packet concerning Petitioner's request for a hearing on the Medicaid benefits.

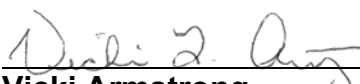
### **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to FAP benefits and **REVERSED IN PART** with respect to Medicaid.

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. Redetermine Petitioner's Medicaid benefits.
2. Issue any retroactive Medicaid benefits Petitioner may be entitled too, based on the redetermination.
3. Issue an updated Notice of Hearing once the redetermination is complete.

VLA/hb



---

**Vicki Armstrong**  
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) 763-0155; 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**

Jeanette Cowens  
2524 Clark Street  
Detroit, MI 48209

Wayne County (District 41), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

M. Best via electronic mail

EQADHShearings via electronic mail

**Petitioner**

