



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 25, 2018
MAHS Docket No.: 18-005115
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 June 21, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Anthony Couls.

ISSUE

Did the Department properly process the Petitioner's Food Assistance Program (FAP) and Medical Assistance (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. Petitioner was a recipient of FAP and MA with a redetermination due for MA and mid-year certification due for FAP.
2. On April 2, 2018, the Department Caseworker sent Petitioner a Mid-Certification Contact Notice (DHS 2240A) that was due on May 1, 2018, for Petitioner to complete so that the Department could determine continued eligibility for FAP. Department Exhibit II, pgs. c-e.

3. On April 30, 2018, the Department Caseworker sent Petitioner a Redetermination Application, DHS 1010, that was due on May 15, 2018, to determine continued eligibility for the Medicare Cost Share. Department Exhibit I, pgs. 4-11.
4. Subsequently, Petitioner substituted the DHS 1010 application and stated that he had no assets.
5. On May 9, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, for him to verify his two previously recorded accounts with Public Service Credit Union from BRIDGES that was due on May 21, 2018. Department Exhibit I, pgs. 13-18.
6. On May 10, 2018, the Department Caseworker sent Petitioner a Notice of Potential Food Assistance (FAP) Closure, DHS 2240, effective May 31, 2018 that his FAP case will be closed. Department Exhibit II, pgs. a.
7. On May 18, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.
8. On May 29, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, that his MA cost share program will be closed for failure to provide verification.

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 failed to verify his assets, which is required to determine continued FAP and MA eligibility. Although on his DHS 1010, he stated that he had no current assets. BRIDGES liquid assets summary had Petitioner having two accounts at Public Service Credit Union. Petitioner never submitted his mid-year certification for FAP so his FAP benefits ended on May 31, 2018. He never verified his assets of his two accounts, so his MA cost share was pended to close on July 1, 2018. However, with the lack of verification of assets, all of Petitioner's cases would close including MA. At the hearing, Petitioner has still not provided written verification of his two accounts or a completed mid-year certification for FAP. BAM 210 and BEM 400.

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 had failed to verify assets of two accounts at Public Service Credit Union, which resulted in his FAP benefits ending on May 31, 2018, and MA pending to close on July 1, 2018.

DECISION AND ORDER

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

CF/hb



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) 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

Jeanenne Broadnax
25637 Ecorse Rd.
Taylor, MI 48180

Wayne County (District 18), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]