



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: July 24, 2018
MAHS Docket No.: 18-006230
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 July 19, 2018, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Eligibility Specialist Debney Lofton. Mr. Lofton testified on behalf of the Department. The Department submitted five exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) and Medicaid cases at Petitioner's request?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On May 10, 2018, Eligibility Specialist Mr. Lofton contacted Petitioner for his annual redetermination interview. During the interview regarding whether he prepares and eats food with his mother, Petitioner stated that if he buys food, then "yeah, she going to eat some." The Eligibility Specialist explained that because they eat and prepare meals together, he would need Petitioner's mother's information, including her social security number. Petitioner began yelling at the

Eligibility Specialist to close his case and the case was closed at Petitioner's request.

2. On May 10, 2018, the Department mailed Petitioner a Notice of Case Action indicating his FAP case would close beginning June 1, 2018 ongoing.
3. On June 27, 2018, Petitioner submitted a hearing request contesting the Department's actions. [Dept. Exh. 2].
4. At the start of the hearing on July 19, 2018, Petitioner began explaining how Eligibility Specialist Mr. Lofton threatened to close his case if he could not get his mother's social security number. During the discussion concerning why the information was needed, Petitioner stated, "this case can be closed." Petitioner said he could not give the Department something he did not have, referring to his mother's social security number. [Testimony of ██████████].
5. Petitioner was also appealing the closure of his Medicaid. However, there is nothing in the file indicating Petitioner's Medicaid had closed.

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.

Petitioner contends that this hearing was the result of the Department threatening to close his FAP case within 10 days if he did not provide his mother's social security number. Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(3) provides as follows:

A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process but shall be referred to the agency customer service unit.

Therefore, this Administrative Law Judge is unable to address Petitioner's complaint regarding his worker.

Regarding Petitioner's appeal of the FAP closure, Petitioner stated at the start of the hearing that his FAP "case can be closed." Therefore, Petitioner has forfeited his right to a hearing concerning the FAP case and that part of the hearing is **DISMISSED**.

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.

Petitioner contends that the Department also closed his Medicaid case. Petitioner explained that he had broken his ankle and when his "medical was turned off," he "couldn't pay." The Department did not address the Medicaid issue in the hearing summary or during the hearing. A careful review of the record evidence does not include any information regarding Petitioner's Medicaid case.

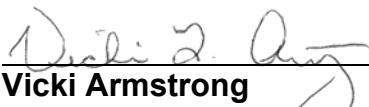
DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the FAP closure and **REVERSED IN PART** with respect to Medicaid because the Department failed to satisfy its burden of showing that it acted in accordance with Department policy.

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 eligibility back to the May 10, 2018, FAP closure.
2. Issue a Notice of Case Action based upon the redetermination.

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

LaClair Winbush
8655 Greenfield
Detroit, MI 48228

Wayne County (Grandmont), DHHS

BSC4 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]