



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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Date Mailed: August 10, 2018
MAHS Docket No.: 18-006696
Agency No.: ██████████
Petitioner: ██████████

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 July 31, 2018, from Lansing, Michigan. Petitioner was represented by herself and her daughter and authorized representative, ██████████. The Department of Health and Human Services (Department) was represented by Laura Bensinger, Hearing Coordinator.

ISSUE

Did the Department properly determine Petitioner's eligibility for 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 recipient of FAP and MA.
2. On February 5, 2018, the Department Caseworker sent Petitioner a Redetermination Application, DHS 1010, for a telephone interview on March 1, 2018. Department Exhibit 1, pgs. 7-14.
3. On ██████████, 2018, the Department Caseworker received from Petitioner a completed Redetermination Application, DHS 1010. Department Exhibit 1, pgs. 7-14.

4. On March 9, 2018, the Department Caseworker, in error, sent Petitioner a Verification Checklist, DHS 3503, with a due date of March 19, 2018, to provide written verification of spousal income. Department Exhibit 1, pgs. 15-16.
5. On April 3, 2018, the Department Caseworker, in error, sent Petitioner a Notice of Case Action, DHS 1605, that her FAP case was closed effective April 1, 2018, due to failure to provide verification of income. Department Exhibit 1, pgs. 17-20.
6. On April 13, 2018, the Department Caseworker received from Petitioner a written verification of alimony. Department Exhibit 1, pg. 21.
7. On May 4, 2018, the Department Caseworker sent Petitioner a Redetermination Application, DHS 1010, for a telephone interview on June 4, 2018. Department Exhibit 1, pgs. 22-29.
8. On [REDACTED], 2018, the Department Caseworker received from Petitioner a completed Redetermination Application, DHS 1010. Department Exhibit 1, pgs. 22-29.
9. On June 20, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that she was eligible for full coverage effective for the month of April of 2018, but not eligible from August 1, 2018, due to failure to provide verification. Department Exhibit 1, pgs. 31-34.
10. On June 22, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.
11. On [REDACTED], 2018, Petitioner reapplied for FAP and MA. Department Exhibit 1, pg. 42.
12. On July 3, 2018, Petitioner was approved for excess FAP because spousal support was not being counted. Department Exhibit 1, pg. 42.
13. On July 3, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that she was not eligible for MA, Medicare Savings Program (MSP) due to excess income effective August 1, 2018. Department Exhibit 1, pgs. 35-37.
14. On July 6, 2018, the Hearings Coordinator called in a ticket for correction of Petitioner's FAP case of BR-0407365 that is currently pending and for MA, which is currently pending for outstanding asset detection that can be run after July 7, 2018. She is pending approval of Group 2 Spend down based on her income. Department Exhibit 1, pgs. 38-41.

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 was due for a redetermination of her FAP and MA. She supplied the required verification, but due to worker error her FAP and MA were closed. Petitioner reapplied on [REDACTED], 2018, so there was no loss of benefits for FAP and MA. However, her FAP case had to have a BRIDGES fix-it ticket because her spousal support income was not counted. In addition, a pending asset detection code prevented her MA from being run until after July 7, 2018.

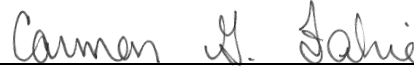
On August 2, 2018, the Department submitted a fax to this Administrative Law Judge stating that FAP had been approved for \$100 per month and MA Group 2 with a spend-down of \$732. Department Exhibit 1, a-e. A review shows that Petitioner did receive a supplement to her FAP benefits that would make up the benefits not received since April of 2018. Department Exhibit 1, pg. 39.

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 Petitioner's eligibility for FAP and MA.

DECISION AND ORDER

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

CF/dh



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

Laura Bensinger
1050 Independence Blvd
Charlotte, MI 48813

Eaton County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Authorized Hearing Rep.

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Petitioner

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