



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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Date Mailed: February 15, 2019
MAHS Docket No.: 19-000374
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on February 13, 2019, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Stephanie Dunning.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Medical Assistance (MA) and Food Assistance Program (FAP) 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. On ██████████ ██████████ 2018, the Department received Petitioner's application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits. Exhibit A, pp 3-18.
2. Petitioner reported to the Department on his application for assistance that he was born on ██████████ ██████████ 1944. Exhibit A, p 5.
3. On November 28, 2018, the Department sent Petitioner a Verification Checklist (DHS-3503) addressed to his current mailing address, requesting verification of housing expenses and the balance on a debit card by December 10, 2018. Exhibit A, pp 19-20.

4. On December 26, 2018, the Department notified Petitioner that his Food Assistance Program (FAP) application had been denied. Exhibit A, pp 21-24.
5. On December 26, 2018, the Department notified Petitioner that his Medical Assistance (MA) application had been denied. Exhibit A, pp 25-27.
6. On December 28, 2018, the Department received verification of Petitioner's debit card balance. Exhibit A, p 28.
7. On January 4, 2019, the Department received Petitioner's request for a hearing protesting the denial of Medical Assistance (MA) and Food Assistance Program (FAP) benefits. Exhibit A, p 2.
8. On January 16, 2019, the Department notified Petitioner that he was approved for Food Assistance Program (FAP) benefits as of December 28, 2018, and ongoing. Exhibit A, pp 29-32.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2018), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (April 1, 2017), pp 1-10.

When an FAP applicant completes the application process after denial but on or before the 30th day, the Department will re-register the application, using the original application date, and if the client is eligible, the Department will determine whether to prorate benefits according to initial benefits policy in this item. If the FAP applicant completes the application process between the 31st and 60th days, then the Department will re-register the application, using the date the client completed the process, and if the client is eligible, prorate benefits from the date the client complied. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (January 1, 2019), p 25.

On November 27, 2019, Petitioner applied for MA and FAP benefits and the Department requested that he provide verification of the balance of a debit card, which is a countable cash asset. When the Department did not receive verification of the debit card in a timely manner, the Department notified Petitioner that his application for MA and FAP benefits had been denied.

Petitioner testified that he did not receive the Verification Checklist (DHS-3503) form.

While a presumption arises that a letter with a proper address and postage will, when placed in the mail be delivered by the postal service, this presumption can be rebutted with evidence that the letter was not received. If such evidence is presented, as it was here, then a question of fact arises regarding whether the letter was received. [Citations omitted.] *Goodyear Tire & Rubber Co v Roseville*, 468 Mich 947; 664 NW2d 751 (2003).

In this case, the Department presented substantial evidence that a Verification Checklist (DHS-3503) was sent to Petitioner at his correct mailing address and the Petitioner failed to rebut the presumption of receipt.

On December 28, 2018, Petitioner provided the Department with verification of his debit card balance after being told that this was necessary during a routine eligibility interview. Because 31 days had passed from the date the Department received Petitioner's application and the date Petitioner completed the application process, the Department determined Petitioner's eligibility for FAP benefits as of December 28, 2018, as required by BAM 115.

Because Petitioner is more than 64 years old, he is not eligible for any category of MA benefits that does not have a countable asset limit. Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (January 1,2019), p 1. Therefore, it was necessary to verify the balance of his debit card before his application for MA benefits could be approved. Further, Department policy does not allow subsequent processing of a denied application for MA benefits. Petitioner is potentially eligible to apply for three months of retroactive medical assistance, but he is not entitled to have his [REDACTED] 2018, application for MA benefits re-registered.

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 Medical Assistance (MA) and Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Robert Gordon, 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

Amber Gibson
5303 South Cedar
PO BOX 30088
Lansing, MI 48911

Ingham County, DHHS

BSC2 via electronic mail

EQAD via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

D. Smith via electronic mail

Petitioner

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