



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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

Date Mailed: May 22, 2019
MOAHR Docket No.: 19-003819
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 May 15, 2019, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Amber Gibson.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) benefits?

Did the Department properly deny Petitioner's request for Direct Support Services?

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 [REDACTED] [REDACTED] 2018, the Department received Petitioner's Assistance Application. Exhibit A, pp 3-16.
2. On November 1, 2018, the Department sent Petitioner a Verification Checklist (DHS-3503) with a November 13, 2018. Exhibit A, pp 17-18.
3. On November 2, 2018, the Department notified Petitioner that she was approved for expedited Food Assistance Program (FAP) benefits with prorated benefits as of October 31, 2018, and a \$914 monthly allotment of benefits as of November 1, 2018. Exhibit A, pp 19-23.
4. On December 14, 2018, the Department notified Petitioner that she was not eligible for Medical Assistance effective January 1, 2019. Exhibit A, pp 28-30.

5. On April 4, 2019, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective December 1, 2018. Exhibit A, pp 24-27.
6. On April 2, 2019, the Department received Petitioner's request for a hearing. Exhibit A, p 2.
7. On April 5, 2019, the Department notified Petitioner that she was eligible for Medical Assistance (MA) effective March 1, 2019. Exhibit A, pp 31-34.
8. On April 9, 2019, the Department notified Petitioner that she was approved for prorated Food Assistance Program (FAP) benefits effective [REDACTED] 2019, and ongoing benefits effective April 1, 2019. Exhibit A, pp 35-39.

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.

The purpose of FAP expedited service is to help the neediest clients quickly. With expedited FAP benefits, certain processing requirements and actions are deferred due to the shortened standard of promptness. Food Assistance groups that did not provide

all required verifications will not be issued benefits for subsequent months until the FAP group provides the waived verification or completes a redetermination. Department of Health and Human Services Bridges Administrative Manual (BAM) 117 (July 1, 2018), pp 1-6.

On [REDACTED] 2018, the Department received Petitioner's Assistance Application and approved her immediately for expedited FAP benefits based on the circumstances she reported to the Department. Petitioner received prorated FAP benefits based on her application date as directed by BEM 556, and ongoing expedited FAP benefits effective November 1, 2018.

On November 1, 2018, the Department sent Petitioner a Verification Checklist (DHS-3503) with a November 13, 2018, requesting that she verify her eligibility for FAP benefits. When the Department did not receive the information necessary to accurately determine her eligibility for benefits, the Department notified her that her FAP and MA benefits would close.

On [REDACTED] 2018, Petitioner reported on her Assistance Application that she was requested "beds." There is no entitlement to this benefit and Petitioner as no right to a hearing protesting the denial of this benefit. Therefore, the Michigan Office of Administrative Hearings and Rules (MOAHR) has no jurisdiction to hear or issue a decision on the issue of the Department's actions with respect to that portion of the application. Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2018), pp 3-4.

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 the Food Assistance Program (FAP), and Medical Assistance (MA).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED with respect to the closure of Food Assistance Program (FAP) and Medical Assistance (MA) benefits. Petitioner's hearing request is dismissed with respect to Direct Support Services only.

KS/hb



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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR 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

M. Holden via electronic mail

D. Sweeney via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

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