



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: July 2, 2019
MOAHR Docket No.: 19-005737
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 1, 2019, from ██████████ Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Morgan Hafler, Hearings Facilitator, and Rachel Griffin, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case?

Did the Department properly close Petitioner's Medical Assistance (MA) Program benefits case?

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 March 25, 2019, Petitioner submitted a FAP application.
2. On March 29, 2019, Petitioner completed an interview to determine her FAP eligibility.
3. On April 1, 2019, the Department issued a New Hire Notice to Petitioner with a due date of April 11, 2019.

4. On April 24, 2019, the Department closed Petitioner's FAP case effective June 1, 2019 for failure to return the New Hire Client Notice.
5. On May 7, 2019, the Department received the completed New Hire Client Notice.
6. On May 15, 2019, the Department reinstated Petitioner's FAP case and pended it for further verifications.
7. On the same day, a Verification Checklist (VCL) was issued to Petitioner requesting proof of School Attendance, Wages/Salaries/Tips/Commissions, and Donations/Contributions from individuals outside of the group with proofs due by May 28, 2019.
8. On May 24, 2019, the Department received a completed verification for Petitioner's school attendance.
9. On the same day, the Department received Petitioner's requesting for hearing disputing the closure of her FAP and MA benefits.
10. As of the hearing summary dated May 30, 2019, Petitioner's FAP case was still pended for the remaining verifications.
11. At the hearing on July 1, 2019, Petitioner requested to withdraw the portion of her hearing request attributable to the MA program as she had no remaining concerns related to her MA benefits.

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).

Food Assistance Program (FAP)

The 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.

In this case, Petitioner disputes the closure of her FAP benefits. The Department closed Petitioner's FAP benefits based upon her failure to return the New Hire Client Notice by the due date. Petitioner admits that she submitted the form late.

The Department routinely matches recipient data with other agencies through automated computer exchanges. BAM 807 (October 2018), p. 1. The State New Hires Match is a daily data exchange of information collected by the Michigan New Hire Operations Center and obtained through the Office of Child Support. *Id.* State New Hires information is used to determine current income sources for active clients. *Id.* When the Department receives notice that the client is employed, the Department is required to contact the client immediately if the employment was not previously reported and request verification by issuing a DHS-4635 New Hire Client Notice to Petitioner. *Id.* When the New Hire Client Notice is requested, ten days are automatically provided to return the verification. BAM 807, p. 2. If a client fails to return the New Hire Client Notice by the tenth day, the case is closed. *Id.* If a client returns the New Hire Client Notice after the due date, the case may be reinstated effective the date of a new application when verifications have been received. *Id.*

Petitioner failed to return the New Hire Client Notice by the due date; therefore, the closure of her FAP case was in accordance with Department policy. Likewise, the Department's reinstatement effective the date that she returned the completed verifications was also in accordance with policy.

Any closures after the Department reinstated the case based upon receipt of the New Hire Notice occurred after Petitioner's request for hearing and are not the basis of her hearing request. Therefore, any closures after the New Hire Client Notice was received by the Department or the hearing request will not be addressed here.

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 closed and later reopened Petitioner's FAP case based upon the receipt of the New Hire Client Notice.

Medical Assistance (MA) Program

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.

At the hearing, Petitioner testified that she had no remaining concerns related to her MA benefits and wanted to withdraw her hearing request as it relates to the MA program. The Department had no objection to the withdraw of her MA hearing request. Therefore, Petitioner's request for hearing as it relates to the MA program is DISMISSED.

DECISION AND ORDER

Petitioner's request for hearing as it relates to the **MA** program is **DISMISSED**.

The Department's decision is **AFFIRMED**.

AMTM/jaf



Amanda M. T. Marler
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 Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Keisha Koger-Roper
MDHHS-Wayne-55-Hearings

Petitioner

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D Sweeney
D Smith
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