



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 26, 2019
MOAHR Docket No.: 19-007866
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 August 22, 2019, from Lansing, Michigan.

Petitioner personally appeared and testified. Petitioner was unrepresented.

The Department of Health and Human Services (Department) was represented by Tiana Hamilton, APS and Alice Mosley, ES Worker.

ISSUE

Did the Department properly process Petitioner's medical, FAP, SDA, MA and SER cases?

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 July 22, 2019 Petitioner filed a hearing request to dispute 4 programs: medical, FAP, SDA, and SER.
2. Petitioner's MA, FAP and SDA are all pending due to the failure of Petitioner to return verification of bank account, which the Department was alerted to pursuant to a May 9, 2019 asset alert. The account has a total of \$ [REDACTED] as of April 1, 2019.
3. The Department is required to obtain verification from Petitioner on the bank account even though it will not put Petitioner over any program asset limit.

4. On July 29, 2019 the Department issued a Verification Checklist requesting verification from Petitioner's bank regarding the bank account. To date, the Department has not received the verification.
5. Petitioner requested assistance from the SER program to relocate. Petitioner's application was denied. Petitioner's emergency no longer exists.

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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603.

Verification and application processing policy is found in multiple items, including BAM 110, 115, 220, and BAM 802. Federal FAP program regulations are found at 7 CFR 271.8, 273.10, 273.12, and 273.2.

In this case, Petitioner had multiple concerns regarding the handling of her case and the conduct of state employees. Petitioner understands that ALJ s have no jurisdiction over such matters.

Regarding Petitioner's remaining concerns, Petitioner understands that the Department is simply waiting on Petitioner to return the verification of her savings account from the back to resolve any pending or verification issues for Petitioner with regard to the MA, FAP, and SDA programs. At the administrative hearing, Petitioner was given a copy of the outstanding form which she simply needs to get the bank to fill in and have the form returned to the Department.

As to the SER program, Petitioner understands that since the emergency has been resolved, Petitioner would have no eligibility in any case.


Petitioner further understands that the federal law requires the State of Michigan to have any and all verifications in recipients' files on all accounts else the state could be subject to significant financial penalties by the federally funded programs.

As such, based on the evidence of record in this matter and the entire record, 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's actions here conform with Department policy.

DECISION AND ORDER

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

JS/nr



Janice Spodarek
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

Richard Latimore
4733 Conner
Detroit, MI 48215

Wayne 57 County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

L. Karadsheh- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

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