



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: September 17, 2019
MOAHR Docket No.: 19-008748
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 13, 2019, from Lansing, Michigan. Petitioner, [REDACTED] [REDACTED] appeared and represented himself. Respondent, Department of Health and Human Services (Department), had April Nemec, Hearing Facilitator, appear on its behalf. Neither party had any additional witnesses.

Four exhibits were admitted into evidence during the hearing. An appointment notice mailed on May 1, 2019, was admitted as the Department's Exhibit A. A notice of missed interview mailed on May 15, 2019, was admitted as the Department's Exhibit B. A verification checklist mailed on May 15, 2019, was admitted as the Department's Exhibit C. A request for food stamp authorized representative mailed on May 15, 2019, was admitted as Exhibit D.

ISSUES

Did the Department properly deny Petitioner's request for Food Assistance Program (FAP) benefits?

Did the Department properly terminate Petitioner's 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. On [REDACTED] [REDACTED] 2019, Petitioner applied for assistance from the Department, including FAP benefits.

2. On May 1, 2019, the Department mailed an appointment notice to Petitioner to notify him that he was scheduled for an interview on May 15, 2019, between 10:45 AM and 12:45 PM.
3. On May 15, 2019, Petitioner's interview was not completed. The Department mailed a notice of missed interview to Petitioner to notify him that he was required to contact the Department to reschedule his interview by May 31, 2019. The Department also mailed Petitioner a verification checklist which requested proof of medical expenses, non-heat electric expenses, and heat expenses by May 28, 2019. The Department also mailed Petitioner a request for food stamp authorized representative.
4. Petitioner received the Department's notice of missed interview, verification checklist, and request for food stamp authorized representative. Petitioner read and understood the documents. Petitioner did not respond to them.
5. On May 30, 2019, the Department issued a notice of case action to Petitioner to notify him that his request for FAP benefits was denied because verifications were not provided as requested and the request for food stamp authorized representative form was not returned. The Department also issued a health care coverage determination notice which notified Petitioner that he was no longer eligible for MA effective July 1, 2019, because verifications were not provided as requested.
6. On August 6, 2019, Petitioner requested a hearing to dispute the Department's decisions.

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

The Food Assistance Program (FAP) 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Department denied Petitioner's request for FAP benefits due to his failure to provide requested verification. The Department must tell a client what verification is required, how to obtain it, and the due date. BAM 130 (April 1, 2017), p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at 7. Verifications must be received by the Department by the due date in order to be

considered timely. *Id.* The Department must send a Negative Action Notice when either (a) the client indicates a refusal to provide a verification or (b) the due date lapses and the client has not made a reasonable effort to provide verifications. *Id.*

The Department sent Petitioner a verification checklist which instructed Petitioner what verification was required, how to obtain it, and the due date. Petitioner received the verification checklist and understood it. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Petitioner did not provide the requested verification by the due date, so the Department properly issued a notice of case action which denied Petitioner's request for FAP benefits due to his failure to provide the requested verification.

MEDICAL ASSISTANCE

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The Department terminated Petitioner's MA due to his failure to provide requested verification. The Department must tell a client what verification is required, how to obtain it, and the due date. BAM 130 (April 1, 2017), p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at 8. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* at 8. Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the due date lapses or the client has refused to provide the verification. *Id.*

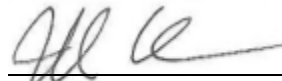
The Department sent Petitioner a verification checklist which instructed Petitioner what verification was required, how to obtain it, and the due date. Petitioner received the verification checklist and understood it. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Petitioner failed to provide the requested verification by the due date, so the Department properly issued a Notice of Case Action which found Petitioner ineligible for MA due to his failure to provide the requested verification.

DECISION AND ORDER

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 did act in accordance with its policies and the applicable law when it denied Petitioner's request for FAP benefits and when it terminated Petitioner's MA.

IT IS ORDERED the Department's decisions are **AFFIRMED**.

JK/nr



Jeffrey Kemm
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

Tamara Morris
125 E. Union St 7th Floor
Flint, MI
48502

Genesee Union St. County DHHS- via
electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI