



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: December 19, 2019  
MOAHR Docket No.: 19-012418  
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, a telephone hearing was held on December 18, 2019, from Lansing, Michigan. Petitioner represented himself. The Department of Health and Human Services was represented by Carrie Taylor and Yolanda Lopez.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) 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 September 4, 2019, the Department initiated the redetermination of Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) benefits for a certification period ending November 1, 2019. Exhibit A, p 5.
2. On October 16, 2019, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting information necessary to determine his eligibility for ongoing Food Assistance Program (FAP) and Medical Assistance (MA) benefits. Exhibit A, pp 16-18.
3. On October 29, 2019, the Department notified Petitioner that he was no longer eligible for Food Assistance Program (FAP) and Medical Assistance (MA) benefits as of November 1, 2019. Exhibit A, pp 19-21.

4. On November 6, 2019, the Department received Petitioner's application for Food Assistance Program (FAP) and Medical Assistance (MA) benefits.
5. On November 18, 2019, the Department notified Petitioner that he is eligible for ongoing Food Assistance Program (FAP) benefits with prorated benefits as of his application date. Exhibit A, pp 23-24.
6. The Department notified Petitioner that he is eligible for Medical Assistance (MA) with a monthly deductible.
7. On November 12, 2019, the Department received Petitioner's request for a hearing. Exhibit A, pp 3-4.

### **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 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 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.

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 105 (April 1, 2017), p 2.

On October 16, 2019, the Department sent Petitioner a Verification Checklist (DHS-3503) with an October 28, 2019, due date. When the information necessary to make an accurate determination of Petitioner's FAP and MA benefits was not received in a timely manner, his benefits closed at the end of the benefit certification period.

Petitioner then reapplied for FAP and MA benefits. Since his previous benefit period had ended, reinstatement was not appropriate. The Department determined Petitioner's eligibility for FAP benefits as of the application date, and issued prorated benefits based on that date.

Petitioner is eligible for MA as of the first of the month in which he applied for benefits. The Department did not dispute that Petitioner's income and household size was not properly determined for the purposes of determining the most beneficial group that Petitioner may be eligible for. Therefore, the Department did not properly determine Petitioner's eligibility for MA benefits.

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 Food Assistance Program (FAP) benefits as of November 1, 2019, but did not act in accordance with Department policy when it determined Petitioner's eligibility for Medical Assistance (MA) as of November 1, 2019.

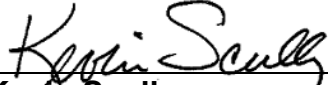
#### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED with respect to the Food Assistance Program (FAP), but REVERSED with respect to Medical Assistance (MA).

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

Initiate a determination of Petitioner's eligibility for Medical Assistance (MA) benefits as of November 1, 2019.

KS/hb

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

**DHHS**

Renee Olian  
322 Stockbridge  
Kalamazoo, MI 49001

Kalamazoo County, DHHS

BSC3 via electronic mail

D. Smith via electronic mail

EQADHS via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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