



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 28, 2017
MAHS Docket No.: 17-002133
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; and Mich Admin Code, R 792.11002. After due notice, a three way hearing was held on March 20, 2017, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator.

ISSUE

Did the Department properly determine the amount of Petitioner's Food Assistance Program (FAP) 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. At the hearing, the Department advised that the Petitioner's MA Ad Care (full MA coverage) was open ongoing as was her Qualified Medicare Beneficiary (QMB), which was demonstrated to be open ongoing without lapse in coverage. Exhibit A.
2. At the hearing, the Petitioner advised that there was no issue with her FAP benefits, which she was receiving at the time of the hearing; and thus, there is no issue with respect to Petitioner's FAP that is required to be determined by the undersigned.
3. The Petitioner filed a hearing request on [REDACTED], 2017, protesting the Department's actions.

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.

In this case, the documents and testimony presented by the Department established that the Petitioner has ongoing QMB, which pays for her Medicare Part B premium with no lapse in coverage. Exhibit A. In addition, the Department also testified that Petitioner also is receiving full coverage Medicaid without lapse in coverage; and thus, there is no issue to be determined. The Petitioner conceded that there was no issue regarding MSP (QMB).

Although the Petitioner insisted that her MSP and FAP benefits were cut, Petitioner presented no evidence regarding the period or months she alleged they were closed and or cut. In addition the Petitioner advised that the hearing request filed by her, received by the Department on [REDACTED] 2017 did not present the issues she requested a hearing on, however that was the only hearing request before the undersigned.

The undersigned also offered the Petitioner a hearing regarding her FAP, and Petitioner advised there was no issue regarding her FAP hearing request received by the Department on [REDACTED], 2017. The Petitioner testified that she was receiving her FAP benefits at the time of the hearing and withdrew the hearing request regarding her FAP and stated that FAP was no longer at issue.

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 Petitioner withdrew

her [REDACTED], 2017, Hearing Request on the record regarding her MSP (QMB) and FAP as she was receiving those benefits.

Accordingly, the Petitioner's Hearing Request dated received [REDACTED] 3, 2017, is ordered **Dismissed** as the Petitioner has withdrawn the requests with respect to her FAP and MSP (QMB).

IT IS SO ORDERED

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 Petitioner requested a hearing in her [REDACTED] 2017, Hearing Request regarding her Medical Assistance MA Ad Care (full coverage Medicaid); and the evidence presented demonstrated that Petitioner was receiving those benefits ongoing without interruption of benefits and, therefore, there is no further issue to be determined by the undersigned.

Accordingly, the Petitioner's hearing request dated received [REDACTED] 2017, is ordered **Dismissed** regarding Petitioner's request Medical Assistance MA Ad Care (full coverage Medicaid) as there is no issue which remains to be determined.

IT IS SO ORDERED

LMF/jaf



Lynn M. Ferris

Administrative Law Judge

for Nick Lyon, 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 Administrative Hearing System (MAHS).

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

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS 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

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ingham
BSC4
M Best
EQAD
M Holden
D Sweeney
L M Ferris
MAHS