



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 18, 2018
MAHS Docket No.: 18-011356
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; 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 December 13, 2018, from Detroit, Michigan. The Petitioner was represented by herself. [REDACTED] also appeared as a witness. The Department of Health and Human Services (Department) was represented by Dolores Bissel, Eligibility Specialist.

ISSUE

1. Did the Department at the time of Petitioner's application for State Disability Assistance (SDA) deny the application due to Petitioner's income exceeding the SDA income limit?
2. Did the Department at the time of Petitioner's hearing request close/deny the Petitioner's Food Assistance Program (FAP) application due to failure to verify information?
3. Did the Department at the time of the Petitioner's hearing request dated [REDACTED] 2018, properly deny the Petitioner's application for State Emergency Relief (SER) for utility assistance?
4. Did the Department take any action regarding Petitioner's application for Medical Assistance (MA) which requires review?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner filed an application on [REDACTED] 2018, for FAP, MA, SDA cash assistance based on disability, and SER. (Exhibit D.)
2. At the time of the hearing, the Petitioner was approved and eligible for MA; and no issue was presented for review as the Petitioner was receiving MA benefits she requested based upon the Eligibility Summary. (Exhibit A.)
3. A Notice of Case Action was sent on October 30, 2018, denying Petitioner's application for Cash Assistance (SDA) due to exceeding the SDA income limit of \$200 per month. RFT 225 (December 2013). This decision and action by the Department was after Petitioner's hearing request. Petitioner receives Supplemental Security Income (SSI) in the amount of \$710.00 a month. Because no action was taken by the Department at the time of the hearing request, there was no issue to be decided at the hearing.
4. The Petitioner was sent a Verification Checklist on October 30, 2018, requesting verification of residential address with a due date of November 9, 2018. (Exhibit B.)
5. On the date of Petitioner's hearing request ([REDACTED], 2018), the Department had not taken any action on Petitioner's FAP application; and thus, there was no issue to be determined at the hearing.
6. The Petitioner applied for SER on [REDACTED] 2018, seeking assistance with her utilities and did not request an amount for assistance with the utilities, had no utility accounts open in her name and did not advise the Department that she pays her landlord for the utilities (her share) and is in arrears, and did not provide this information to the Department at the time of the SER application. (Exhibit F.)
7. The Department issued a State Emergency Relief Decision Notice on October 30, 2018, after the Petitioner's hearing request, which denied the Petitioner's SER application for the reason she did not meet program requirements and did not demonstrate that an emergency existed. Because no action was taken on this issue by the Department at the time of the Petitioner's request for hearing, there is no action or issue which can be determined as no decision or action had been taken from which the Petitioner can appeal at that time. (Exhibit F.)
8. The Petitioner requested a hearing on [REDACTED], 2018, 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.

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.

In this case, the Petitioner applied for FAP, SDA (cash assistance) and MA and SER on [REDACTED] 2018. On the same day, Petitioner requested a hearing for FAP, SDA, MA and SER.

At the time a hearing is requested, there must be an action or negative action taken by the Department that adversely affects the Petitioner's benefits or application. In this case, on the day the Petitioner requested a hearing ([REDACTED], 2018), the Department had taken no action on her application(s) for FAP, SER, SDA, and MA; thus, there was no issue regarding any action taken by the Department to be decided that was ripe for review. In addition, the Petitioner's hearing request for MA is moot and does not require review as the Department demonstrated that Petitioner is eligible for MA ongoing based

on the eligibility summary for MA provided at the hearing which demonstrates ongoing MA with no lapse in coverage. (Exhibit A.)

At the time of the Petitioner's hearing request on [REDACTED], 2018, the Department had not made any determination regarding Petitioner's application for FAP, SER or SDA. The Department testified that it determined and took action on Petitioner's eligibility for these benefits at a later date, after the hearing request was filed. Thus, no decision, actions or negative actions can be reviewed until after they are made by the Department. Should the Petitioner wish further review of the Department's actions on these benefits once the Notices denying the applications are issued, the Petitioner may, but is not required to, file a request for hearing. The Petitioner can reapply for these benefits at any time.

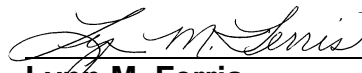
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department took no adverse action or negative action with respect to Petitioner's SER, FAP and SDA applications at the time she filed her hearing request, thus, was nothing to be determined at the time Petitioner requested a hearing. In addition, the Petitioner was eligible for MA at the time of her hearing request ongoing with no lapse in coverage; thus, there is no issue presented regarding MA which requires review.

DECISION AND ORDER

Accordingly, the Petitioner's hearing request dated [REDACTED] 2018 is hereby

DISMISSED FOR LACK OF JURISDICTION.

LMF/



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).

DHHS

Denise McCoggle
MDHHS-Wayne-15-Hearings

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

L M Ferris
MAHS