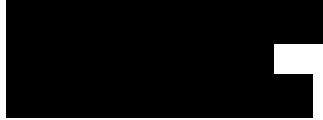




GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: July 15, 2019
MOAHR Docket No.: 19-006169 & 19-005920
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's requests for hearings, 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 July 10, 2019, from Lansing, Michigan. [REDACTED], Petitioner, appeared and represented herself. Folayan Gibson, Eligibility Specialist, appeared for the Department of Health and Human Services (Department). Neither party had any additional witnesses.

During the hearing, Petitioner was excluded from the hearing pursuant to Mich Admin Code R 792.10106(a)(c), for being disruptive. This decision is based solely on the Department's testimony.

ISSUES

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility?

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

1. Petitioner lives in a household size of one. Petitioner is not aged, disabled, or a veteran.
2. Petitioner requested FAP benefits and MA from the Department.

3. As of May 2019, Petitioner had a monthly income of approximately \$1,793.00. Petitioner's income consisted of \$723.00 from employment and \$1,070.00 from unemployment compensation.
4. As of May 2019, Petitioner had a monthly housing expense of \$459.81. Petitioner was responsible for paying for her own electric and telephone in addition to her housing expense.
5. On May 13, 2019, the Department issued a health care coverage determination notice to Petitioner to notify her that she was eligible for full-coverage MA effective May 1, 2019.
6. On June 4, 2019, the Department issued a notice of case action to Petitioner to notify her that she was approved for a FAP benefit of \$15.00 per month effective June 1, 2019.
7. Petitioner's current FAP benefit remains at \$15.00 per month.
8. On June 5, 2019, Petitioner filed a hearing request to dispute her FAP benefit amount.

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) [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 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 determines a client's monthly FAP benefit amount by determining the client's group size and countable household income and then looking that information up in its applicable Food Issuance Table. BEM 212 (April 1, 2019), BEM 213 (January 1, 2019), BEM 550 (January 1, 2017), BEM 554 (April 1, 2019), BEM 556 (April 1, 2018), RFT 260 (October 1, 2018), and RFT 255 (October 1, 2018).

In this case, there is no evidence that the Department did not properly determine Petitioner's FAP benefit. Petitioner did not present any evidence to establish that her household income or allowable expenses were different than those used by the Department, and Petitioner did not present any evidence to establish that her group size

was greater than that used by the Department. Based on a review of the budget used by the Department and the applicable Food Issuance Table, the Department used the correct standard deductions and correctly determined Petitioner's FAP benefit amount based on her countable household income and group size. Therefore, I must find that the Department acted in accordance with its policies when it determined that the maximum FAP benefit Petitioner was eligible for was \$15.00 per month.

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.

In this case, Petitioner asserted that she was disputing her MA for the months of May and June 2019 because she believed that she was denied MA for those months. The Department responded that Petitioner was not denied MA for those months.

On May 13, 2019. The Department sent a notice to Petitioner to notify her that she was eligible for full-coverage MA effective May 1, 2019. According to the Department's testimony, Petitioner was found eligible for full-coverage MA through the Department's Healthy Michigan Plan. The Department testified that Petitioner has had uninterrupted full-coverage MA through the Department's Healthy Michigan Plan since May 2019.

Full-coverage MA is the best available MA through the Department. Thus, the Department found Petitioner eligible for the best available MA. Therefore, Petitioner has not been adversely affected by the Department.

COMPLAINTS ABOUT CASEWORKER

A complaint regarding alleged misconduct or mistreatment by a caseworker shall not be considered through the administrative hearing process but shall instead be referred to the agency customer service unit. Mich Admin Code, R 792.11002(3).

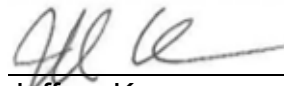
Petitioner attempted to make complaints about her caseworker during the hearing. The Michigan Office of Administrative Hearings and Rules does not have jurisdiction to address Petitioner's complaints about her caseworker. If Petitioner has complaints about her caseworker, she must address those complaints with the Department.

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 (a) the Department did act in accordance with its policies and the applicable law when it determined Petitioner's FAP benefit amount, and (b) the Department did act in accordance with its policies and the applicable law when it determined Petitioner's MA eligibility.

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

Jeanenne Broadnax
25637 Ecorse Rd.
Taylor, MI
48180

Wayne 18 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

Petitioner

