



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: July 22, 2019
MOAHR Docket No.: 19-006305
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 17, 2019, from ██████████ Michigan. Petitioner appeared and was unrepresented. ██████████, Petitioner's spouse, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Lenya Keller, supervisor, and Megan Weese, specialist.

ISSUES

The first issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

The second issue is whether MDHHS properly terminated 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. On April 4, 2019, MDHHS mailed Petitioner a Redetermination form concerning Petitioner's continuing eligibility for FAP. An interview date of May 1, 2019, was scheduled. Under the income section, boilerplate language stated, "Provide proof of all income your household received... the last 30 days." Exhibit A, pp. 1-9.
2. On April 29, 2019, MDHHS received Petitioner's Redetermination form which reported employment income for Spouse.

3. On May 14, 2019, MDHHS initiated termination of Petitioner's and Spouse's MA eligibility beginning June 2019.
4. On May 31, 2019, MDHHS received a form concerning Spouse's employment. The form included Spouse's hourly wage but did not list Spouse's hours or previous pays. Exhibit A, p. 29.
5. On June 6, 2019, Petitioner requested a hearing to dispute the terminations of MA and FAP benefits. Exhibit A, pp. 30-31.
6. On an unspecified date after June 6, 2019, MDHHS approved Petitioner for \$6/month in FAP benefits.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits beginning June 2019. MDHHS initially terminated Petitioner's eligibility due to Petitioner's alleged failures to participate in an interview and/or to submit verifications. MDHHS eventually conducted an interview and received required verifications allowing for Petitioner's FAP eligibility to be processed after the hearing request date. The result of processing was that Petitioner was approved for \$6/month in FAP benefits.

Petitioner may be dissatisfied with a \$6/month FAP issuance but whether her FAP eligibility was correctly processed was not the subject of Petitioner's hearing request. Petitioner's hearing request disputed a termination of FAP benefits due to Petitioner missing an interview and/or failing to verify information; both disputes are now resolved. With Petitioner's dispute of FAP benefits resolved, Petitioner's hearing request is appropriately dismissed. Petitioner should be advised that if she wishes to dispute the amount of FAP benefits issued by MDHHS, she may now request a hearing.

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner also requested a hearing to dispute a termination of MA benefits. A Health Care Coverage Determination Notice dated May 14, 2019, stated that Petitioner's MA eligibility ended due to a failure to verify unspecified information. Exhibit A, pp. 25-28. MDHHS testimony stated that Petitioner specifically failed to verify Spouse's employment income, a direct deposit account associated with Spouse's employment, and a checking account.

MDHHS must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210 (April 2019), p. 1. For all programs, Bridges (the MDHHS database) generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. *Id.*, p. 8. A redetermination/review packet is considered complete when all of the sections of the redetermination form, including the signature section, are completed. *Id.*, p. 12. Medicaid benefits stop at the end of the benefit period unless a renewal is completed and a new benefit period is certified. *Id.*, p. 4.

For MA, required verifications are due the same date as the redetermination/review interview. *Id.* When an interview is not required, verifications are due the date the packet is due. *Id.* Bridges allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. *Id.* If the tenth day falls on a weekend or holiday, the verification would not be due until the next business day. *Id.* MDHHS is to verify employment income for all Medicaid programs other than for the Medicaid category of Children Under 19. BEM 503 (October 2018) p. 9.

In the present case, Petitioner's verifications would have been due no later than May 14, 2019, which was 10 days (plus a weekend) from the interview date of May 1, 2019. It was not disputed that Petitioner had not submitted the required proof of Spouse's employment income by May 14, 2019. Thus, MDHHS properly initiated termination of Petitioner's and Spouse's Medicaid eligibility.

MDHHS initiated termination of Petitioner's and Spouse's Medicaid eligibility by giving timely notice of the action. Timely notice means that the action taken by MDHHS is effective at least 12 calendar days following the date of the Department's action. BAM 220 (April 2019), p. 12. In the present case, Petitioner had until May 31, 2019, to submit required verification of Spouse's income and Medicaid closure could have been avoided. As it happened, MDHHS received a document completed by Spouse's employer on May 31, 2019. The form listed Spouse's hourly wage and start date but did not include a listing of Spouse's pays. MDHHS could not project Spouse's employment income due to Petitioner's failure to provide proof of hours.

Given the evidence, the income documentation submitted to MDHHS on May 31, 2019, was unacceptable verification of Spouse's income. No other current verification of Spouse's income was submitted to MDHHS before June 1, 2019. Thus, MDHHS

properly terminated Petitioner's and Spouse's Medicaid eligibility due to a failure to verify income. Petitioner's and Spouse's recourse is to reapply for Medicaid.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS resolved Petitioner's dispute over a termination of FAP benefits by approving Petitioner for FAP benefits beginning June 2019. Concerning FAP benefits, Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's and Spouse's Medicaid eligibility beginning June 2019. Concerning the termination of Medicaid, the actions of MDHHS are **AFFIRMED**.

CG/jaf



Christian Gardocki

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

Via First Class Mail
Petitioner

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

Via Email
DHHS

Carisa Drake
MDHHS-Calhoun-Hearings

BSC4
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