



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: August 30, 2019
MOAHR Docket No.: 19-007770
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 August 21, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by April Nemec, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP), Medical Assistance (MA), and Medical Cost Sharing (MCS) program?

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 was a recipient of FAP and MA with a redetermination due in April 2019.
2. On March 18, 2019, the Department received Petitioner's Redetermination Application, DHS-1010, but it was not logged on to the BRIDGES system due to Department error. Department Exhibit 1, pgs. 7-14.
3. On April 19, 2019, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective May 1, 2019, Petitioner's household MA and MCS cases were closed for failure to return redetermination form mail to her. Department Exhibit 1, pgs. 15-19.

4. On May 21, 2019, Petitioner reapplied for MA and MCS for her household. Department Exhibit 1, pgs. 20-34.
5. On June 6, 2019, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, that effective May 1, 2019, Petitioner's household was eligible for MA and MCS for June 1, 2019, due to not being eligible in the month applied because the application was processed as a new request instead of a reinstatement due to Department error. Department Exhibit 1, pgs. 35-38.
6. On June 29, 2019, the Department Caseworker had an automated update from the Social Security Administration (SSA) that one of Petitioner's children was receiving SSI in the amount of \$669. Department Exhibit 1, pgs. 46-50.
7. On July 17, 2019, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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, Petitioner's DHS-1010 was not uploaded on the BRIDGES system due to Department error. As a result, her household's MA and MCS cases were closed in error on May 1, 2019. They were reopened retroactive to May 2019 for MA, but MCS requires a penalty month for the month the application was filed. However, this was a reinstatement not a new application due to Department error, so Petitioner is eligible for MCS for the month of May 2019. Petitioner is not eligible for FAP benefits due to

excess income because of the additional SSI income received from SSA. BAM 105, 110, 115, 210, 220, 600, 800, and 801. BEM 105, 150, 165, 500, 503, 550, 554, 556, and 660.

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 Department acted in accordance with Department policy when it determined that Petitioner had excess income for FAP benefits and reinstated MA retroactive to May 1, 2019, and did not act in accordance with Department policy when it instituted a penalty month for MCS of May 2019 because the Department failed to log her DHS-1010 resulting in the closure of her case due to Department error.

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to FAP and MA and **REVERSED IN PART** with respect to MCS.

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:

1. Initiating a redetermination of Petitioner's eligibility for MCS retroactive to her case closure of May 1, 2019.
2. Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination and issue Petitioner any retroactive benefits she/he may be eligible to receive, if any.

CF/hb



Carmen G. Fahie

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

Tamara Morris
125 E. Union St 7th Floor
Flint, MI 48502

Genesee County (Union), DHHS

BSC2 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]