



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 24, 2021
MOAHR Docket No.: 21-003831
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 telephonic hearing was held on September 13, 2021. The Petitioner was present and represented by her authorized hearing representative (AHR) [REDACTED]. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Patricia Willis, Family Independence Manager.

ISSUE

Did the Department properly deny Petitioner's [REDACTED], 2021 application for the Food Assistance Program (FAP) and Medical Assistance (MA)?

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 previously a member of [REDACTED]'s (father) FAP-group and was receiving MA on her father's case.
2. On [REDACTED], 2021, Petitioner, who is 18 years old, applied for FAP benefits and MA.
3. On July 30, 2021, MDHHS sent Petitioner a notice of case action indicating that her FAP application had been denied, because she was still active on her father's case (Exhibit A, p. 14). Petitioner's application for MA was also denied because her MA was active on her father's case.
4. On August 5, 2021, Petitioner's father submitted a renewal for his FAP-group, indicating that Petitioner should be removed from the FAP group (Exhibit A, pp. 8-12). The renewal did not indicate when this change occurred.

5. On August 18, 2021, Petitioner was still a member of her father's FAP-group per BRIDGES, the Department's internal eligibility and data management tool (Exhibit A, pp. 6-7).
6. MDHHS removed Petitioner as a member of her father's FAP-group effective August 31, 2021, and reprocessed Petitioner's FAP application. MDHHS approved Petitioner for FAP benefits beginning September 1, 2021. No further action was taken on Petitioner's MA case, because she had active MA on her father's case.
7. Petitioner, through her AHR, submitted a hearing request on [REDACTED], 2021 challenging the denial of her July 29, 2021 application for FAP and MA.

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).

Petitioner disputed the denial of her July 29, 2021 application for FAP and MA.

FAP

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.

In this case, Petitioner's July 29, 2021 Application for FAP was denied because she was still a member of her father's FAP-group at the time of application, and thus, still eligible for FAP services in another case (Exhibit A, p. 13-14). Pursuant to policy regarding deleting a member of a FAP-group, an application that a client files on their own is considered a change reported in writing by an eligible member of the former group. BAM 220 (January 2021), p. 4. When a member leaves a group to apply on their own, MDHHS should complete the member delete in the month the local office learns of the application and initiate recoupment as necessary. BEM 212 (October 2020), p. 9; BEM 550 (October 2020), p. 4.

Here, Petitioner's [REDACTED], 2021 application for FAP constitutes a change in group composition reported to the Department in writing by an eligible group member that should have prompted the Department to process the change by deleting Petitioner from her father's FAP-group. MDHHS reported that they did not process the change and delete Petitioner from her father's FAP group until August 31, 2021, which was prompted by her father's submission of a FAP renewal that showed Petitioner was no

longer in the household. MDHHS then reprocessed Petitioner's FAP application and approved her for benefits beginning September 1, 2021.

Pursuant to policy, when a member leaves a group to apply on their own, MDHHS should complete the member delete in the month the local office learns of the application and initiate recoupment as necessary. BEM 212, p. 9. BEM 550 (October 2020), p. 4. Here, Respondent applied on July 29, 2021. Thus, the Department should have processed the member delete on that date and determined Petitioner's FAP eligibility beginning July 29, 2021.

MA

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396 to 42 USC 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 to 42 CFR 430.25. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10 and MCL 400.103 to MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

On the [REDACTED], 2021 application, Petitioner also applied for MA, which was denied because she had active MA on her father's case. MDHHS did not submit any documentation regarding Petitioner's MA application or subsequent determination notice but testified that the MA application was denied because she had active MA on her father's case. MDHHS stated that no further action was taken to remove Petitioner from her father's case.

Due to the COVID-19 public health emergency, effective March 20, 2020, MDHHS is prohibited from closing Medicaid cases (including Health Michigan Plan) unless the client requests such closure verbally or in writing. Emergency Services Administration (ESA) ESA 2020-12 (March 2020). Here, respondent submitted an application for MA to the Department on [REDACTED], 2021. The application was a signed document that MDHHS should treat as a request to close her MA case under her father's name. Thus, MDHHS should have removed Petitioner from her father's MA case and processed her eligibility for MA in her own case in line with all relevant policies and procedures.

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 did not act in accordance with Department policy when it denied Petitioner's FAP and MA Application.

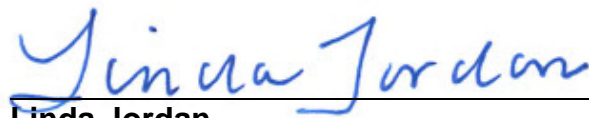
DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.
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. Reprocess Petitioner's [REDACTED], 2021 FAP and MA applications;
2. If Petitioner is eligible for benefits, issue supplements to Petitioner for any FAP benefits she was eligible to receive but did not from July 29, 2021 ongoing;
3. Process Petitioner's request to be removed from her father's MA case and reprocess Petitioner's [REDACTED], 2021 MA application;
4. If Petitioner is eligible for MA, provide her with the coverage she is eligible to receive based on the date of the application; and
5. Notify Petitioner of its decision in writing.

LJ/jm



Linda Jordan
Administrative Law Judge

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 Email:

MDHHS-Wayne-19-Hearings
BSC4-HearingDecisions
M. Holden
D. Sweeney
C. George
EQADhearings
MOAHR

Authorized Hearing Rep. - Via USPS:

[REDACTED], MI [REDACTED]