



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: March 25, 2022
MOAHR Docket No.: 22-000578
Agency No.: [REDACTED]
Petitioner: [REDACTED].

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 hearing was held via telephone conference line on March 22, 2021. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Michelle Collins, hearings facilitator

ISSUES

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

The second issue is whether MDHHS took a negative action to 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 an unspecified date before August 2021, MDHHS improperly changed Petitioner's mailing address.
2. As of August 2021, Petitioner was an ongoing Supplemental Security Income (SSI) and FAP recipient.
3. As of August 2021, Petitioner's FAP benefit period was certified through September 2021.

4. On August 4, 2021, MDHHS mailed a DHS-1010, Redetermination, to Petitioner's incorrect mailing address.
5. Beginning October 2021, Petitioner's FAP eligibility expired due to his benefit period not being recertified.
6. On February 1, 2022, Petitioner requested a hearing to the termination of FAP benefits and an alleged termination of MA benefits.
7. As of February 1, 2022, MDHHS had taken no negative action to Petitioner's MA eligibility.

CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a termination of FAP benefits. Exhibit A, pp. 3-5. It was not disputed that Petitioner's FAP eligibility ended October 2021 following an expired redetermination of benefits.

For all programs, a complete redetermination is required at least every 12 months. BAM 210 (January 2021) p. 3. Bridges, the MDHHS database, automatically sends a DHS-1010 to the client three days prior to the negative action cut-off date in the month before the redetermination is due. *Id.*, p. 8. For FAP benefits, the redetermination process begins when the client files a DHS-1010 or other acceptable substitute form. *Id.*, p. 3. FAP benefits stop at the end of the benefit period unless the redetermination process is completed and a new benefit period is certified. *Id.* If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges automatically closes the case and a Notice of Case Action is not generated. *Id.*, p. 14.

MDHHS sent Petitioner a DHS-1010 on August 4, 2021. Exhibit A, pp. 6-12. Petitioner did not return the form to MDHHS before the end of his benefit period. Thus, MDHHS allowed Petitioner's FAP eligibility to expire at the end of September 2021. Petitioner had good reason for not returning the DHS-1010.

MDHHS testified that it improperly changed Petitioner's address after someone with a similar name and birthdate to Petitioner submitted reporting documents. As a result, MDHHS mailed Petitioner's DHS-1010 to an incorrect address for Petitioner. The

improper change in address caused Petitioner to never receive the DHS-1010 or any notice of benefit closure.¹

Given the evidence, MDHHS improperly terminated Petitioner's FAP eligibility due to the improper mailing of the DHS-1010. As a remedy, Petitioner is entitled to a reprocessing of FAP benefits beginning October 2021.

The 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. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MA policies are contained in the BAM, BEM, and RFT.

Petitioner also requested a hearing to dispute an alleged termination of MA benefits. Exhibit A, pp. 3-5. Petitioner testified that he thought that his MA eligibility ended because he recently received an unexpected medical bill, though he also testified that the medical provider acknowledged that the bill was improperly sent. Petitioner also likely thought his MA eligibility ended because of the improper end to his FAP eligibility.

It was not disputed that Petitioner was an SSI recipient. SSI recipients are automatically eligible for MA if they are Michigan residents and maintain cooperation for third-party resource liability. BEM 150 (July 2020) p. 1. Given Petitioner's status as an SSI recipient, a closure of MA seemed improbable. Indeed, MDHHS presented an Eligibility Summary verifying Petitioner's ongoing MA eligibility at least since August 2021.² Exhibit B, p. 1.

Given the evidence, MDHHS took no negative action to Petitioner's MA eligibility.³ Thus, Petitioner's dispute over MA is properly dismissed.

¹ Evidence was not presented that a notice of closure was sent.

² MDHHS credibly testified that Petitioner's MA eligibility from before August 2021 fell under a different case number.

³ MDHHS will need to correct his mailing address for his MA case. The testifying hearings facilitator stated that she will email the specialist assigned to Petitioner's case to request the correction.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS took no negative action to Petitioner's MA eligibility. Concerning MA eligibility, Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's FAP eligibility beginning October 2021. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Redetermine Petitioner's FAP eligibility beginning October 2021 subject to the finding that MDHHS failed to mail a DHS-1010 to Petitioner's proper mailing address; and
- (2) Issue a supplement of benefits and notice, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/mp



Christian Gardocki
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

Email Recipients:

MDHHS-Wayne-55-Hearings
EQADhearings
D. Sweeney
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