



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: July 5, 2022
MOAHR Docket No.: 22-002404
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 June 29, 2022, from Lansing, Michigan. The Petitioner represented himself. The Department of Health and Human Services (Department) was represented by Beth Bressler, Assistance Payments Supervisor and Lavidia Brookins, Program Manager.

ISSUE

Did the Department properly determine the Petitioner's eligibility for the Food Assistance Program (FAP), State Emergency Relief (SER), State Disability Assistance (SDA), 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. On [REDACTED], 2022, the Petitioner filed a FAP, SER, and MA application for benefits. Department Exhibit 1, pgs. 7-21.
2. The Petitioner was previously active for FAP benefits and continues to receive FAP benefits.
3. On March 1, 2022, the Department sent the Petitioner a State Emergency Relief Notice, DHS 1419, that his SER application was denied due to failure to provide verification. Department Exhibit 1, pgs. 22-26.

4. On March 1, 2022, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that his MA application was denied due to failure to return supplemental questionnaire. Department Exhibit 1, pgs. 28-30.
5. On March 31, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. Department Exhibit 1, pgs. 4-6.

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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, the Petitioner filed a FAP, SER, and MA application for benefits on [REDACTED], 2022. Department Exhibit 1, pgs. 7-21. The Petitioner was previously active for FAP benefits and continues to receive FAP benefits. On March 1, 2022, the Department sent the Petitioner a State Emergency Relief Notice, DHS 1419, that his SER application was denied due to failure to provide verification. Department Exhibit 1, pgs. 22-26. On March 1, 2022, the Department sent the Petitioner a Health Care Coverage Determination Notice, DHS 1606, that his MA application was denied due to failure to return supplemental questionnaire. Department Exhibit 1, pgs. 28-30.

During the hearing, the Department did not meet their burden of proof that they properly followed policy in determining the Petitioner's eligibility for MA and SER benefits. The Department could not provide a copy of the verifications checklists that were sent to the Petitioner. A BRIDGES printout was not sufficient to show what verifications the Department requested, and the Petitioner's address was not able to be verified on the notice. In addition, the Department did not submit in the hearing packet a copy of the verifications that the Petitioner did submit to the Department.

As a result, the Administrative Law Judge could not determine if the Department properly followed Department policy in denying the Petitioner's application for MA for failure to provide required verifications. The Petitioner stated that he has already paid to have his utilities turned on, so his SER emergency is resolved. He no longer has a need for SER benefits. His FAP case is also open with no changes. The Petitioner has also reapplied for MA benefits subsequent to his denial of MA benefits. However, the Petitioner may be eligible for MA benefits retroactive to his application date of February 15, 2022. BEM 260. BAM 815. ERM 101 and 103.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied the Petitioner's MA application submitted on February 15, 2022.

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

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 of initiating a redetermination of the Petitioner's eligibility for MA retroactive to his MA application dated February 15, 2022, by sending out a Verification Checklist, DHS 3503 for the required verification to determine MA eligibility.

Based on policy, the Department should provide the Petitioner with written notification of the Department's revised eligibility determination and issue the Petitioner any retroactive benefits he may be eligible to receive, if any.

CF/cc



Carmen G. Fahie
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-Electronic Mail :

Interested Parties

MDHHS-Berrien-Hearings
BSC3-HearingDecisions
EQADHearings
C. George
M. Holden
D. Sweeney
E. Holzhausen
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MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
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[REDACTED], MI [REDACTED]