



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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MI [REDACTED]

Date Mailed: October 12, 2022
MOAHR Docket No.: 22-003810
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 October 4, 2022, from Lansing, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Susan Derseweh, Hearing Coordinator.

ISSUE

Did the Department properly determine the Petitioner's eligibility for 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. On [REDACTED] 2022, the Petitioner filed an application for MA and FAP. Department Exhibit 1.
2. On August 24, 2002, the Petitioner's MA and Medicare Cost Share application was denied for failure to provide the DHS 1004 Healthcare Questionnaire and verification of income and assets by July 29, 2022. Department Exhibit 2.
3. On August 31, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due on September 12, 2022, of her checking account verification. Department Exhibit 3.
4. On August 31, 2022, the Department Caseworker sent the Petitioner an Appointment Notice, MDHHS 170, for a telephone interview on September 8, 2022, between 8:30 to 10:30 a.m. Department Exhibit 5.

5. As a result of the September 8, 2022, telephone interview, the Petitioner's HCC application was redetermined, and MSP, and MA ALMB was denied for excess income, and MA-G2S is pending for an asset verification. Department Exhibit 6.
6. On August 31, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. Department Exhibit 4.
7. The Hearing Coordinator confirmed that the Petitioner is receiving the maximum amount of FAP benefits based on her income even though she is approved for only \$23 per month with the FAP COVID supplemental payment to a maximum monthly FAP benefit of \$250 that will increase to \$281 on October 1, 2022, for a household group size of 1. Department Exhibit 7.

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, the Petitioner filed an application for MA and FAP with a HCC supplement on [REDACTED] 2022. Department Exhibit 1. On August 24, 2002, the Petitioner's MA and Medicare Cost Share application was denied for failure to provide the DHS 1004 Healthcare Questionnaire and verification of income and assets by July 29, 2022. Department Exhibit 2. On August 31, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due on September 12, 2022, of her checking account verification. Department Exhibit 3. On August 31, 2022, the Department Caseworker sent the Petitioner an Appointment Notice, MDHHS 170, for a telephone interview on September 8, 2022, between 8:30 to 10:30 a.m. Department Exhibit 5.

As a result of the September 8, 2022, telephone interview, the Petitioner's HCC application was redetermined, and MSP, and MA ALMB was denied for excess income, and MA-G2S is pending for an asset verification. Department Exhibit 6. On August 31, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. Department Exhibit 4.

The Hearing Coordinator confirmed that the Petitioner is receiving the maximum amount of FAP benefits based on her income even though she is approved for only \$23 a month with the FAP COVID supplemental payment to a maximum monthly FAP benefit of \$250 that will increase to \$281 on October 1, 2022, for a household group size of 1. Department Exhibit 7.

The Administrative Law Judge finds that the Department needs to send the Petitioner a new notice for her eligibility for MA programs with the correct program income eligibility amounts. The Petitioner is currently getting the maximum amount of FAP benefits based on her income and the FAP COVID supplemental payment.

DECISION AND ORDER

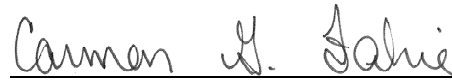
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined her FAP eligibility, but did not act in accordance with Department policy when it sent the notice for MA eligibility with the wrong eligibility amounts.

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to FAP 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 new notice of the Petitioner's eligibility for MA programs.

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 she 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-Genesee-Clio-Hearings
BSC2-HearingDecisions
D. Sweeney
M. Holden
C. George
EQADHearings
MOAHR

Via-First Class Mail :

Petitioner

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