



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: December 21, 2022
MOAHR Docket No.: 22-005428
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 commenced on December 14, 2022, from Detroit, Michigan. Petitioner appeared for the hearing with his Authorized Hearing Representative (AHR) [REDACTED]. The Department of Health and Human Services (Department) was represented by Michael Heck, PATH Worker.

ISSUE

Did the Department properly process Petitioner's requests for Food Assistance Program (FAP), Family Independence Program (FIP), and Medical Assistance (MA) benefits for his two children?

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 or around [REDACTED] 2022, Petitioner submitted an application requesting FAP, FIP, and MA benefits for his two children. (Exhibit A, pp.9-24)
2. Prior to this application, the children had been receiving benefits from the Department and were included in the household of their mother.
3. On or around October 24, 2022, the Department sent Petitioner a Notice of Case Action, advising him that for the period of October 1, 2022, ongoing he was approved for FIP benefits in the amount of [REDACTED]. The Notice of Case Action further advised Petitioner that effective November 1, 2022, he was approved for FAP

benefits in the amount of \$459, as well as a supplement of \$464 for the period from September 1, 2022, through October 31, 2022. (Exhibit A, pp.25 – 30)

4. On or around October 24, 2022, the Department sent Petitioner a Health Care Coverage Determination Notice, advising him that effective September 1, 2022, the request for MA benefits for the two children was denied because the children were already eligible and receiving MA benefits under a different case. (Exhibit C)
5. On or around November 9, 2022, Petitioner requested a hearing disputing the Department actions with respect to the FAP, FIP, and MA programs for his children. (Exhibit A, pp. 3-5)

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).

FIP/FAP/MA

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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 requested a hearing on or around November 9, 2022, disputing the Department's actions with respect to the FIP, FAP, and MA programs. After some inquiry, Petitioner and his AHR indicated that Petitioner's two children have been living with him and in his care for a few years, but the children's mother continued to receive

benefits on their behalf. Petitioner's AHR asserted that the children's mother should not have continued to receive benefits from the Department that she was not entitled to, as the children were living in Petitioner's home and not with their mother. Petitioner's AHR argued that Petitioner should be entitled to back pay for FIP and FAP benefits that he should have received since the children were returned to his care. Petitioner's AHR requested that Petitioner be supplemented for FIP and FAP benefits for months prior to the [REDACTED] 2022, application date. Concerns were also raised regarding denial of Petitioner's request for MA benefits on behalf of the children and the request to have the children added to Petitioner's MA case as members of his household. Petitioner's AHR asserted that he has been unable to take the children to the doctor or medical appointments, as their mother has refused to provide the children's MA insurance cards.

At the hearing, it was established that on [REDACTED] 2022, Petitioner submitted an assistance application requesting FIP, FAP, and MA benefits for his two children. The Department approved Petitioner's FIP and FAP application and sent him the Notice of Case Action dated October 24, 2022, advising him that effective October 1, 2022, ongoing he was approved for FIP benefits in the amount of [REDACTED] and effective November 1, 2022, he was approved for FAP benefits in the amount of \$459, as well as a supplement of \$464 for the period from September 1, 2022, through October 31, 2022. (Exhibit A, pp.25 – 30). On October 24, 2022, the Department also issued a Health Care Coverage Determination Notice, denying the children's MA eligibility under Petitioner's household, as the Department determined that the children were actively receiving MA benefits under their mother's case. (Exhibit C).

The MDHHS-1171, Assistance Application and DCH-1426, Application for Health Coverage & Help Paying Costs are application forms used to request assistance from the Department including FAP, FIP, and MA benefits. BAM 110 (April 2022), pp. 1-4; BAM 115 (July 2022), pp. 1-2. The standard of promptness begins the date the Department receives an application. For FIP and MA cases, the Department is to certify program approval or denial of the application and send the appropriate written notice advising of the eligibility decision within 45 days and for FAP cases, 30 days, unless an expedited request is made. BAM 115, pp. 15-16. For FIP cases, provided the group meets all eligibility requirements, the Department will begin assistance in the pay period in which the application becomes 30 days old and will issue initial benefits as appropriate. The FIP group is not eligible for benefits any earlier than the pay period in which the application becomes 30 days old. For FAP cases, the Department prorates benefits for the month of application, beginning with the date of application, when the group is eligible for the application month. BAM 115, pp. 26-27; BAM 400 (July 2022), pp. 1-7.

Upon review, there was no evidence that Petitioner submitted any applications requesting FIP or FAP benefits for his two children prior to the [REDACTED] 2022, application which was approved with the correct initial benefit dates for both the FIP and FAP. An assistance application was received by the Department on May 9, 2022, requesting cash assistance and MA for Petitioner only and not the children. Because

Petitioner did not file an application for assistance, FIP and FAP benefits cannot be issued to Petitioner for any period prior to [REDACTED] 2022.

With respect to the MA program however, the Department representative testified that at the time Petitioner's [REDACTED] 2022, MA application was processed, the two children were actively receiving MA benefits on their mother's case as they were previously considered members of her household. The Department representative testified that as a result, the Department issued the October 24, 2022, Health Care Coverage Determination Notice. However, the Department acknowledged that in order to transfer the children's medical coverage to Petitioner's case and household, the children have to first be removed from their mother's case by contacting the worker assigned to the mother's case. There was no evidence that the Department followed the policy outlined in BEM 211 to assess the children's MA eligibility based on the family composition, household/tax filing status, and no evidence that the Department properly completed a primary caretaker determination prior to issuing the October 24, 2022, notice of denial to Petitioner.

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 processed Petitioner's FIP and FAP benefits but did not act in accordance with Department policy when it processed MA benefits for Petitioner's children.

DECISION AND ORDER


Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to FIP and 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:

1. Register and reprocess the [REDACTED] 2022, MA application for Petitioner's children;
2. Take the appropriate administrative actions to determine the family composition, household/tax filing status, and primary caretaker of the children in order to accurately determine their MA household;
3. If the children are eligible for MA as members of Petitioner's household and/or tax filing group, transfer the children's coverage from their mother's case to Petitioner's;
4. If the children are eligible for MA benefits under Petitioner's case, provide coverage to the children for any MA benefits they were entitled to receive but did not from the application date, ongoing; and

5. Notify Petitioner in writing of its decision.

ZB/ml



Zainab A. Baydoun
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 :

DHHS

Corlette Brown
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227

MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov

Interested Parties

BSC4
B Sanborn
M Holden
D Sweeney
C George
EQAD

Via First Class Mail :

Authorized Hearing Rep.

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Petitioner

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