



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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Date Mailed: June 29, 2023
MOAHR Docket No.: 23-002873
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 hearing was held on June 21, 2023 via teleconference. Petitioner appeared with the assistance of an Arabic interpreter. Danielle Moton, Assistance Payments Worker, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly deny Petitioner's request for Food Assistance Program (FAP) and Medicaid (MA) benefits?

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 April 17, 2023, Petitioner filed an application for FAP and MA (Exhibit A, p. 16).
2. On May 3, 2023, MDHHS conducted an eligibility interview with Petitioner via telephone (Exhibit A, p. 27).
3. On May 3, 2023, MDHHS sent Petitioner a Verification Checklist (VCL), which requested verification of address, rent, and employment for the household (Exhibit A, pp. 41-42). The VCL indicated that proofs were due by May 15, 2023 (Exhibit A, p. 41).
4. On May 15, 2023, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of employment for a household member (Exhibit A, p. 44). The VCL indicated that proofs were due by May 25, 2023 (Exhibit A, p. 44).

5. On May 17, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that his application for FAP was denied for failure to return verification of earned income, effective May 17, 2023 ongoing (Exhibit A, pp. 7-8).
6. On May 17, 2023, MDHHS sent Petitioner Health Care Coverage Determination Notice indicating that Petitioner's request for MA coverage was denied for failure to returned verification of earned income, effective April 1, 2023 ongoing (Exhibit A, p. 12).
7. On May 19, 2023, Petitioner filed a Request for Hearing to dispute the denial of his FAP and MA application (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).

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. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Medicaid (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.

In this case, MDHHS denied Petitioner's application for FAP and MA for failure to return verification of employment by the deadline.

MDHHS is required to obtain verification when it is required by policy or information is unclear or incomplete. BAM 130 (January 2022), p. 1. To obtain verification, MDHHS must tell the client what verification is required, how to obtain it and the due date. *Id.*, p. 3. MDHHS is required to use a VCL to request verification from clients. *Id.* If the individual indicates the existence of a disability that impairs their ability to gather verifications and information necessary to establish eligibility for benefits, MDHHS must offer to assist he individual in the gathering of such information. *Id.*, p. 1. The client must obtain the requested verification, but the local office must assist the client if they need and request help. *Id.*, p. 3. If neither the client nor the local office can obtain verification

despite a reasonable effort, MDHHS must use the best available information. *Id.* If no evidence is available, MDHHS must use its best judgement. *Id.*

MDHHS allows the client ten calendar days to provide the requested verification. *Id.*, p. 7. Verifications are considered timely if received by the date that they are due. *Id.* MDHHS sends a negative action notice when the client indicates a refusal to provide the requested verification or the time period given on the VCL has lapsed and the client has not made a reasonable effort to provide it. *Id.* Before determining program eligibility, MDHHS must give the client a reasonable opportunity to resolve any discrepancy between the client's statement and another source. *Id.*, p. 9.

Here, MDHHS requested several documents related to household income and alleged that Petitioner failed to return the documents within the time period allowed. However, the record shows that MDHHS denied Petitioner's application for FAP and MA before the due date for one of the requested verifications. On May 15, 2023, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of employment for a household member (Exhibit A, p. 44). The VCL indicated that proofs were due by May 25, 2023 (Exhibit A, p. 44). Despite this pending request, MDHHS denied Petitioner's application for FAP and MA on May 17, 2023. Additionally, MDHHS testified at the hearing that it requested 90 days of self-employment income. However, the VCLs requested 30 days of income, not 90 days. MDHHS is required to tell clients specifically what documents are needed, and the record shows that it failed to do so here.

At the hearing, Petitioner testified that he attempted to comply with all of MDHHS' documentation requests but many of the employment verifications that MDHHS requested concerned employment that had ended prior to date that he filed the application. Additionally, Petitioner testified that he was struggling to obtain some of the verifications due to employer refusal and that he was unable to communicate effectively with MDHHS. MDHHS has a responsibility to assist clients who request and need assistance. BAM 130, p. 1.

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

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS 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. Reregister and reprocess Petitioner's April 17, 2023 application for FAP and MA, requesting additional verifications only as necessary and providing assistance in obtaining the verifications, pursuant to policy;

2. Issue supplemental FAP benefits to Petitioner for any FAP benefits that he was eligible to receive but did not, from April 17, 2023 ongoing;
3. Provide Petitioner with MA coverage for each eligible month, from April 17, 2023 ongoing; and
4. Notify Petitioner in writing of its decision.



LJ/tm

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-Electronic Mail :

DHHS

Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
**MDHHS-Wayne-17-
hearings@michigan.gov**

Interested Parties

M. Holden
D. Sweeney
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EQADHearings
BSC4

Via-First Class Mail :

Petitioner

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