



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

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

Date Mailed: September 8, 2023
MOAHR Docket No.: 23-004617
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on September 6, 2023, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Brian Davis.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for the Food Assistance Program (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing Food Assistance Program (FAP) recipient as a household of one when his Redetermination (DHS-1010) form was received by the Department on May 2, 2023, which was after the April 24, 2023, due date. Exhibit A, pp 8-11.
2. Department records show that a Redetermination interview was conducted on May 3, 2023, and Petitioner reported that he had received a \$1,500 donation from a friend. Exhibit A, pp 12-18.
3. On May 3, 2023, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of the donation he reported by May 15, 2023. Exhibit A pp 19-21.

4. On June 1, 2023, the Department notified Petitioner that he was not eligible for Food Assistance Program (FAP) benefits as of June 1, 2023, due to his failure to verify a source of countable income. Exhibit A, pp 24-28.
5. Department records indicate that on June 6, 2023, the Department received verification of the donation that Petitioner received. Exhibit A, pp 22-23.
6. On July 10, 2023, the Department received Petitioner's application for Food Assistance Program (FAP), Medical Assistance (MA), and State Emergency Relief (SER) assistance. Exhibit A, pp 29-37.
7. On August 2, 2023, the Department notified Petitioner that he was eligible for a \$199 monthly allotment of Food Assistance Program (FAP) benefits effective July 10, 2023, and an ongoing \$281 monthly allotment as of August 1, 2023. Exhibit A, pp 38-44.
8. On August 2, 2023, the Department notified Petitioner that he was eligible for State Emergency Relief (SER) assistance with no co-payment necessary. Exhibit A, pp 45-47.
9. On August 14, 2023, the Department notified Petitioner that he was eligible for a \$234 monthly allotment of Food Assistance Program (FAP) benefits effective June 6, 2023, Exhibit A, pp 48-54.
10. On August 1, 2023, the Department received Petitioner's request for a hearing. Exhibit A, pp 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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

The Food Assistance Program (FAP) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to

MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1 *et seq*. The Department administers the SER program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.7000 through R 400.7049.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (July 1, 2023), p 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2023), pp 1-10.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for complying with program requirements before the negative action date. Department of Health and Human Services Bridges Administrative Manual (BAM) 205 (January 1, 2022), p 1.

Petitioner was an ongoing FAP recipient when the Department received his Redetermination form after the due date, but before the end of his certification period. A redetermination interview was conducted on May 3, 2023, where Petitioner reported receiving a \$1,500 donation, which fits the Department's definition of unearned income and is countable towards Petitioner's eligibility for FAP benefits. On May 3, 2023, the Department requested that Petitioner provide verification of the Donation he reported by May 15, 2023. On June 1, 2023, the Department had not received verification of the donation, and it notified Petitioner that he was not eligible for FAP benefits as of June 1, 2023, which was the end of his FAP benefits certification period.

On June 6, 2023, the Department received the verification of the donation. Since Petitioner did not comply with FAP requirements before those benefits closed, Petitioner was not entitled to reinstatement of his FAP benefits.

On July 10, 2023, the Department received Petitioner's application for FAP, MA, and SER assistance. On August 2, 2023, the Department notified Petitioner that he was eligible for FAP benefits with a \$234 monthly allotment for July of 2023, and an ongoing allotment of \$281 for August of 2023, and ongoing.

The maximum allotment of FAP benefits available to a household of one is \$281. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2023), p 1.

For approval of an application filed during any period of a FAP group not certified for benefits, the effective date is the date of application if the group is eligible for the application month. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (January 1, 2023), pp 7.

In this case, Petitioner was not certified for FAP benefits on July 10, 2023, when the Department received his application for assistance. Petitioner was found to be eligible for FAP benefits, and the Department determined that he was entitled to a \$199 prorated allotment of FAP benefits for the 22 days of July that he was eligible for.

The Department will proceed after a denial of FAP benefits when a client is eligible for benefits using the date the client completed the process when the client complies with program requirements within 60 days. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (January 1, 2023), p 24.

In this case, Petitioner's FAP benefits closed at the end of his certification period when he failed to verify countable income in a timely manner, but he subsequently reapplied and provided verification of that income between 31 and 60 days of that closure. The Department found Petitioner eligible for a \$234 allotment of FAP benefits for the 25 days in June after he complied with program requirements as directed by BAM 115.

On July 10, 2023, Petitioner applied for SER assistance. On August 2, 2023, the Department notified Petitioner that he was eligible for SER assistance with no required co-payment. Petitioner failed to identify a negative action entitling him to an administrative hearing with respect to SER assistance.

The hearing record supports a finding that Petitioner is eligible for full Medical Assistance (MA) benefits and Petitioner failed to establish a negative action entitling him to an administrative hearing with respect to MA benefits. Petitioner credibly testified that his medical service provider told him that he did not have active Medicaid benefits, but failed to provide any evidence that he has been denied MA benefits.

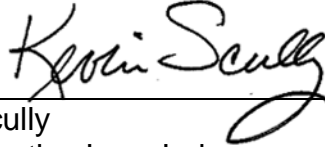
Petitioner testified that submitted all required information in a timely manner, that his department worker lied to him about receiving this information, and the worker failed to accurately determine his eligibility for benefits.

However, a complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

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 Petitioner's eligibility for Food Assistance Program (FAP), Medical Assistance (MA), and State Emergency Relief (SER) assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



KS/nr

Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

Yvonne Hill
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Interested Parties

Oakland 2 County DHHS
BSC4
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MOAHR

Via-First Class Mail :

Petitioner

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