



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: September 29, 2023
MOAHR Docket No.: 23-004809
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 September 20, 2023, from Lansing, Michigan. ██████ ██████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-20.

ISSUES

Is there a contested Medical Assistance (MA) benefit program issue?

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) 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. MA benefits are active for Petitioner and the other two group members. (Exhibit A, p. 1; HF Testimony)
2. On or about July ██████ 2023, Petitioner applied for FAP benefits, and no income was reported. (Exhibit A, p. 1)

3. On July [REDACTED] 2023 an interview was completed with Petitioner. It was noted that Petitioner stated that family members give her around \$[REDACTED] for her personal needs. (HF Testimony)
4. On July [REDACTED] 2023 a Verification Checklist was issued to Petitioner requesting verification of income for household member D.C. from [REDACTED] [REDACTED] loss of employment for household member D.C. from [REDACTED] [REDACTED] and of donation or contribution from an individual outside the group with a due date of July 24, 2023. (Exhibit A, pp. 13-15)
5. On August [REDACTED] 2023 a Notice of Case Action was issued to Petitioner stating FAP was denied based on a failure to provide requested verifications. (Exhibit A, pp. 9-12)
6. On August 16, 2023, Petitioner submitted a signed hearing request contesting MA and FAP issues. (Exhibit A, pp. 3-6 and 17-20)

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).

Medical Assistance

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 HF confirmed that MA was active for all group members. Therefore, there is no contested MA issue to review. Accordingly, the MA portion of Petitioner's hearing request is dismissed.

Food Assistance Program

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.

In general, verification is to be obtained when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, January 1, 2023, pp. 1-4.

For FAP, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. The Department is to send a case action notice when the client indicates refusal to provide a verification, or the time-period given has elapsed and the client has not made a reasonable effort to provide it. Further, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the Department is to assist the client with the verifications but not grant an extension. The Department is to explain to the client they will not be given an extension and their case will be denied once the Verification Checklist due date is passed. Also, their eligibility will be determined based on their compliance date if they return required verifications. The Department is to reregister the application if the client complies within 60 days of the application date. BAM 130, pp. 7-8.

On or about July [REDACTED] 2023, Petitioner applied for FAP benefits, and no income was reported. (Exhibit A, p. 1). On July [REDACTED] 2023 an interview was completed with Petitioner. It was noted that Petitioner stated that family members give her around \$[REDACTED] for her personal needs. (HF Testimony). The Department's system showed prior employment for household member D.C. Accordingly, verification of his current income from this employer, or loss of employment, was needed. (HF Testimony). On July [REDACTED] 2023 a Verification Checklist was issued to Petitioner requesting verification of income for household member D.C. from [REDACTED] [REDACTED] loss of employment for household member D.C. from [REDACTED] [REDACTED] and of donation or contribution from an individual outside the group with a due date of July 24, 2023. (Exhibit A, pp. 13-15). The requested verifications were not received. Accordingly, on August [REDACTED] 2023 a Notice of Case Action was issued to Petitioner stating FAP was denied based on a failure to provide requested verifications. (Exhibit A, pp. 9-12).

Petitioner testified that she never received the checklist. Petitioner explained that she became homeless in June or July as the home was not safe. Petitioner indicated that she was still having mail sent to that house. Petitioner provided a new mailing address during the hearing proceeding. Petitioner also asserted that she never told the Department she received money from family members. Petitioner does not receive anything from any family or friends. Further, Petitioner asserted that she had previously provided documentation of D.C.'s loss of employment to the Department. (Petitioner Testimony).

The HF received Petitioner's case record and saw that some verifications were provided last year. Specifically, letters from the doctor stating D.C. was under a doctor's care and

unable to work until specific dates. However, the last verification received was in August 2023 and indicated D.C. would be off work until September 5, 2023. There was no verification found in the case record that D.C.'s employment ended. (HF Testimony). Further, the denial of the July [REDACTED] 2023 FAP application must be upheld because the verification checklist was issued to the address Petitioner had provided to the Department at that time and there were no verifications submitted, or any response from Petitioner, by the due date.

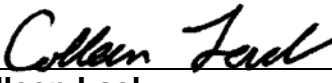
As discussed, Petitioner may wish to reapply for FAP benefits if she has not already done so.

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 denied Petitioner's application for FAP.

DECISION AND ORDER

Accordingly, the MA portion of Petitioner's hearing request is **DISMISSED** and the Department's decision regarding FAP is **AFFIRMED**.

CL/dm



Colleen Lack
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
Tracy Felder
Wayne-Southwest-DHHS
**MDHHS-Wayne-41-
Hearings@michigan.gov**

HoldenM

SweeneyD1

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EQADHearings

MOAHR

BSC4HearingDecisions

Via-First Class Mail :

Petitioner

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