



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: October 5, 2023
MOAHR Docket No.: 23-005109
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 September 25, 2023, via teleconference. Petitioner, [REDACTED] [REDACTED] requested the hearing and appeared at the hearing to represent himself. Petitioner was receiving Medicaid (MA) coverage under [REDACTED] [REDACTED] (Spouse) MA case. Robin Patterson, Eligibility Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUES

1. Did Petitioner present a triable issue regarding Food Assistance Program (FAP) benefits?
2. Did MDHHS properly process Spouse's reported change in Medicaid (MA) group composition?

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 a recipient of Healthy Michigan Plan (HMP) Medicaid (MA) on Spouse's MA case.
2. On June 8, 2023, Spouse submitted a Redetermination for MA to MDHHS and indicated that Petitioner was no longer living in her household (Exhibit A, pp. 6-7).

3. On June 16, 2023, MDHHS sent a Health Care Coverage Determination Notice to Spouse, indicating that Petitioner was no longer eligible for MA, effective July 1, 2023, ongoing, because he was no longer living with Spouse and was not considered part of the household group (Exhibit A, pp. 14-15).
4. On August 24, 2023, Petitioner requested a hearing to dispute the closure of his MA coverage and FAP benefits (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)

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.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to consider the recipient's choice of service.

State actions which entitle a client to a hearing include a denial of an application, a reduction in the amount of program benefits, a suspension or termination of program benefits, restrictions under which benefits are provided, and a delay of any action beyond the standard of promptness. BAM 600, p. 5. FAP recipients may also challenge their current benefit levels. *Id.* Under federal law, FAP recipients have the right to a hearing if their household has been "aggrieved by any action of the State agency which affects the participation of the household in the Program." 7 CFR 273.15(a). The right to a hearing is limited to actions which reduce, suspend, or cancel the household's FAP allotments or a calculation of the current FAP allotment. 7 CFR 271.7(f).

In this case, Petitioner requested a hearing regarding the termination of his FAP benefits. However, MDHHS testified that he was not active for FAP benefits prior to the hearing request and there had been no recent application or negative action. Petitioner did not present any evidence to the contrary.

Because there was no denial, reduction, suspension, or termination of the household FAP benefits, no triable issue was presented, and Petitioner was not entitled to a hearing. 7 CFR 271.7(f); BAM 600, p. 5. Therefore, Petitioner's request for hearing regarding FAP is dismissed for lack of jurisdiction.

Medicaid (MA)

MA 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 terminated Petitioner's Healthy Michigan Plan (HMP) MA coverage after Spouse reported that he was no longer in the household. MDHHS processed the change and sent a Health Care Determination notice to Spouse as the Head of Household on the MA case. Petitioner objected to the termination of his MA coverage without his knowledge and without receiving notice. After the termination, MDHHS advised Petitioner to apply for MA on his own case and submit verification of his income. Petitioner applied for MA and was approved for HMP MA, effective September 21, 2023. At the hearing, MDHHS testified that it advised Petitioner that he could apply for up to three months of retroactive MA coverage, but he did not do so.

MDHHS is required to process changes reported by the client in a timely manner and notify the client in writing of positive and negative actions by generating the appropriate notice of case action. BAM 220 (April 2023), pp. 1-3. MDHHS is required to act on a change reported by means other than a tape match within 15 workdays after becoming aware of the change. *Id.*, p. 7. Regarding MA, MDHHS is required to generate a DHS-1606, Health Coverage Notice, when MA is approved or denied. *Id.*, p. 22. For all programs, a member of the group must be designated as the Head of Household for the purposes of case identification and benefit issuance. BAM 115 (January 2023), p. 25. The Head of Household is the person who is customarily responsible for the verbal and written communications between the eligible group and MDHHS, and in whose name program benefits are generated and received. BPG Glossary (January 2022), p. 30. MDHHS is required to determine the fiscal and asset groups for each person requesting MA separately. BEM 211, p. 5.

In this case, MDHHS received information regarding Petitioner's household composition when Spouse completed the MA Redetermination. Spouse reported that Petitioner and Spouse were separated, and that Petitioner was no longer a member of Spouse's household. MDHHS processed the change and sent a Health Care Determination

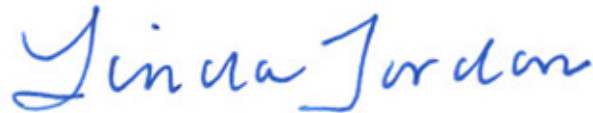
Notice to Spouse as the Head of Household of the MA group. Because Spouse was designated as the Head of Household for the purposes of the group's MA coverage, MDHHS sent the notice to Spouse in accordance with Department policies. In order to determine Petitioner's eligibility for MA on his own case, it was necessary for Petitioner to apply for MA and comply with the application procedures in BAM 110 and 115.

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 acted in accordance with Department policy when it processed Spouse's reported change in group composition and terminated Petitioner's MA coverage.

DECISION AND ORDER

Petitioner's request for hearing regarding FAP is **DISMISSED** for lack of jurisdiction.

MDHHS' decision regarding Petitioner's MA coverage is **AFFIRMED**.



LJ/nr

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
Christina Chamberlain
Presque Isle County DHHS
164 North 4th Street
Rogers City, MI 49779
**MDHHS-PresqueIsle-
Hearings@michigan.gov**

Interested Parties
Presque Isle County DHHS
BSC1
M. Holden
D. Sweeney
D. Smith
EQAD
MOAHR

Via-First Class Mail :

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

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