



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: December 8, 2023
MOAHR Docket No.: 23-007492
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 November 30, 2023, via teleconference. Petitioner appeared with the assistance of an Arabic interpreter. Juanita Munoz, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUES

1. Did MDHHS properly terminate Petitioner's Food Assistance Program (FAP) benefits?
2. Did MDHHS properly determine Petitioner's eligibility for 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. Petitioner, his spouse and children were ongoing recipients of FAP and MA benefits.
2. On September 30, 2023, MDHHS terminated Petitioner's FAP benefits for failing to return the Redetermination Packet. However, the Redetermination Packet was sent to the wrong address (Exhibit A, p. 2). Petitioner previously reported an address change to MDHHS.
3. On October 23, 2023, Petitioner filed a Request for Hearing (Exhibit A, pp. 4-6).

4. On or about November 3, 2023, MDHHS resent the Redetermination Packet to Petitioner's correct address. Petitioner returned the Redetermination Packet to MDHHS on November 7, 2023. MDHHS did not process the Redetermination.

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.

In this case, MDHHS terminated Petitioner's FAP benefits, effective September 30, 2023, for failure to return the Redetermination Packet timely.

MDHHS is required to periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2022), p. 1. The redetermination/renewal process includes a thorough review of all eligibility factors. *Id.* For most programs, a complete redetermination or renewal is required at least every 12 months. *Id.*, p. 3. For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.* If the client does not begin the redetermination process, MDHHS allows the benefit period to expire. *Id.* Late redeterminations are processed according to subsequent process rules. *Id.*, pp. 22-23. Local offices must assist clients who need and request help to complete applications, forms and obtain verifications. *See generally*, BAM 130 (January 2022).

Here, MDHHS acknowledged that it sent the Redetermination Packet to the wrong address and that Petitioner had previously notified MDHHS regarding the change in address. Given this error, the record shows that MDHHS did not provide Petitioner with the proper forms to complete the Redetermination in a timely manner. Therefore, the record shows that MDHHS was at fault for the untimely redetermination. Additionally, although Petitioner returned the Redetermination Packet in November, MDHHS failed to process the Redetermination pursuant to subsequent processing rules.

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 MDHHS did not act in accordance with Department policy when it terminated Petitioner's FAP benefits.

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.

Petitioner requested the hearing regarding MA benefits. At the hearing, MDHHS testified that all members of the household had open and ongoing MA benefits and that there had been no interruption in coverage. Given this information, Petitioner requested to withdraw his Request for Hearing regarding MA because there was no remaining dispute. MDHHS had no objection. The Request for Hearing regarding MA was withdrawn on the record. Pursuant to the withdrawal of the Request for Hearing, the matter involving MA is, hereby, **DISMISSED**.

DECISION AND ORDER

Pursuant to the withdrawal of the Request for Hearing at the hearing, the matter involving MA is, hereby, **DISMISSED**.

MDHHS decision regarding FAP 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. Reinstate Petitioner's FAP case, effective October 1, 2023 ongoing;
2. Redetermine Petitioner's eligibility for FAP, effective October 1, 2023 ongoing; and
3. Issue supplemental payments to Petitioner for any FAP benefits that he was eligible to receive, but did not, from October 1, 2023 ongoing; and
4. Notify Petitioner of its decision in writing.

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 :

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Petitioner
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