



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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]
MI [REDACTED]

Date Mailed: December 11, 2023
MOAHR Docket No.: 23-007499
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On October 30, 2023, Petitioner, [REDACTED] requested a hearing to dispute her Food Assistance Program (FAP) closure and Medical Assistance (MA) closure. As a result, a hearing was scheduled to be held on December 7, 2023, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department) had Hannah Czechowski, Hearing Coordinator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 22-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's FAP benefits and MA?

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 August 4, 2023, the Department mailed a redetermination form to Petitioner to renew her eligibility for FAP benefits and MA. The form instructed Petitioner to complete the form and then return it to the Department by September 5, 2023. The form stated, "your FAP benefits will end on September 30, 2023. You must submit your redetermination form or filing form by October 15, 2023, in order to receive uninterrupted FAP benefits."

2. The Department did not renew Petitioner's FAP benefits because it did not receive a completed redetermination form from Petitioner, so Petitioner's FAP benefit's closed effective September 30, 2023.
3. On October 20, 2023, the Department mailed a health care coverage determination notice to Petitioner to notify Petitioner that she was ineligible for MA effective November 1, 2023, because she did not return a completed redetermination form.
4. Petitioner did not return the redetermination form to the Department until November 27, 2023, and Petitioner's FAP benefits had already closed when the Department received the redetermination form, so the Department could not renew Petitioner's FAP benefits.
5. On October 30, 2023, Petitioner requested a hearing to dispute the FAP closure and MA closure.

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).

FOOD ASSISTANCE

The Food Assistance Program (FAP) 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

A complete redetermination/renewal is required at least every 12 months. BAM 210 (October 1, 2022), p. 3. A renewal is a full review of eligibility factors completed annually. *Id.* at p. 1. In order for a renewal to be completed timely, the client must submit a completed renewal no later than the 15th of the renewal month. *Id.* at p. 16. FAP benefits stop at the end of the benefit period unless a renewal is completed and a new benefit year is certified. *Id.* at p. 3.

Petitioner's redetermination form was due no later than October 15, 2023. Petitioner did not submit her completed renewal timely because she did not submit it until November 27, 2023. Since Petitioner did not submit her completed renewal timely, Petitioner's FAP benefits closed at the end of the benefit period on September 30, 2023. A notice of closure is not issued when FAP benefits close at the end of a benefit period because a redetermination was not submitted. BAM 220 (April 1, 2023), p. 5. The Department followed the applicable policies when it closed Petitioner's FAP benefits at the end of her benefit period because Petitioner did not complete a timely renewal.

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Petitioner is disputing the Department's decision to close her MA. The Department closed Petitioner's MA because the Department did not receive a completed renewal form from Petitioner.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210, p. 1. A renewal for MA is a full review of eligibility factors completed annually. *Id.* Benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. *Id.* at p. 4.

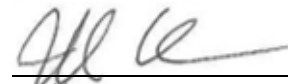
In this case, the Department was unable to complete a renewal of Petitioner's MA because the Department did not receive a completed renewal form from Petitioner. As a result, Petitioner's MA stopped at the end of the benefit period. Thus, the Department properly closed Petitioner's MA.

DECISION AND ORDER

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 did act in accordance with its policies and the applicable law when it closed Petitioner's Food Assistance Program benefits and Medical Assistance.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

JK/ml



Jeffrey Kemm
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
Susan Derseweh
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504
MDHHS-Genesee-Clio-Hearings@michigan.gov

Interested Parties
BSC2
M Holden
B Cabanaw
N Denson-Sogbaka
M Schaefer
EQAD
MOAHR

Via First Class Mail:

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