



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: January 4, 2024
MOAHR Docket No.: 23-008266
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 17, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute her Food Assistance Program (FAP) eligibility. As a result, a hearing was scheduled to be held on December 27, 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 Melissa Abbott, Assistance Payments Supervisor, appear as its representative and Kelli Greer, Assistance Payments Worker, appear as its witness.

A 76-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly budget Petitioner's allowable medical expenses in a timely manner and determine FAP eligibility?

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, a Redetermination form was sent to Petitioner.
2. On August 30, 2023, the completed Redetermination form and supporting medical documentation for January and February 2023 were received from Petitioner.
3. On August 31, 2023, the Department requested current supporting medical documentation to verify Petitioner's current and ongoing prescription information.

4. On October 26, 2023, Petitioner submitted the requested medical documentation.
5. On October 31, 2023, Petitioner's medical documentation was processed and considered in determining her FAP eligibility, and her FAP monthly benefit amount was increased to \$257.00 effective November 1, 2023.
6. On November 17, 2023, Petitioner requested a hearing to dispute the Department's determination that it did not receive verification of allowable medical expenses for FAP eligibility purposes until October 26, 2023.

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) 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.

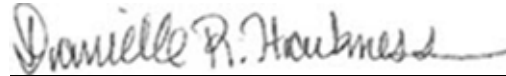
Petitioner requested a hearing to dispute the Department's FAP eligibility determination. Petitioner stated that the Department did not process her supporting medical documentation in a timely manner because she sent the required information to the Department in September 2023. However, the Department has no record of this documentation being received.

The Department must act on a change reported by means other than a tape match within 10 days of becoming aware of the change. BAM 220 (November 1, 2023), p. 7. Here, there is no evidence that the Department did not timely process Petitioner's medical expense verification. No evidence was provided to show that the Department received Petitioner's current proof of ongoing monthly medical expenses prior to October 26, 2023. When the Department received Petitioner's medical expense verification on October 26, 2023, it was timely processed and Petitioner's FAP budget was recalculated. Thus, the Department properly determined Petitioner's FAP eligibility pursuant to Department policy.

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 processed verification of Petitioner's medical expenses and determined her FAP eligibility.

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



DH/nr

Danielle R. Harkness
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

Kimberly Kornoelje
Kent County DHHS
121 Martin Luther King Jr St SE
Grand Rapids, MI 49507

**MDHHS-Kent-
Hearings@michigan.gov**

Interested Parties

Kent County DHHS
BSC3

M. Holden

N. Denson-Sogbaka

B. Cabanaw

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]