



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
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: April 12, 2024
MOAHR Docket No.: 24-002194
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference on April 3, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) did not participate despite being given at least 15 minutes from the scheduled hearing time to call.

ISSUES

The first issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

The second issue is whether MDHHS properly determined Petitioner's Medical Assistance (MA) 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. As of January 2024, Petitioner was an ongoing recipient of FAP and MA benefits.
2. On January 20, 2024, MDHHS determined that Petitioner was eligible for Medicaid under Plan First beginning December 2023.
3. On February 21, 2024, Petitioner requested a hearing to dispute MA and FAP eligibility.

4. On February 22, 2024, MDHHS terminated Petitioner's Medicare Savings Program (MSP) eligibility beginning April 2024.

CONCLUSIONS OF LAW

The 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 the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a reduction in FAP eligibility to \$23 beginning February 2024. MDHHS did not provide documentary evidence of Petitioner's FAP eligibility within its hearing packet. MDHHS additionally did not participate in the hearing. Thus, the only evidence concerning the disputed action came from Petitioner's testimony.

Given the limited evidence, MDHHS failed to establish that it properly reduced Petitioner's FAP eligibility. As a remedy, Petitioner is entitled to a reprocessing of FAP benefits beginning February 2024. However, Petitioner provided no corroborating evidence of the actions taken by MDHHS or what corrections were needed. Thus, the reprocessing order provides no guidance on any changes to the original processing.

The 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. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MA policies are contained in the BAM, BEM, and RFT.

Petitioner also requested a hearing to dispute Medicaid and MSP eligibility. A Health Care Coverage Determination Notice dated January 20, 2024, stated that Petitioner was eligible for the limited-coverage Medicaid of Plan First beginning December 2023.¹ A Health Care Coverage Determination Notice dated February 22, 2024, stated Petitioner was ineligible for MSP beginning April 2024 due to Petitioner not being eligible for the program.

As discussed in the FAP analysis, MDHHS did not participate in the hearing. It also provided no evidence in its hearing packet to support the negative taken to Petitioner's Medicaid and/or MSP eligibility.

¹ Plan First is a MAGI-related limited-coverage MA category available to any United States citizen or individual with a qualified immigration status. BEM 124 (July 2023) p. 1. It is considered a "limited-coverage" because it covers only family planning services such as birth control (see form DCH-2840-MSA).

Given the dearth of evidence, MDHHS failed to establish that it properly determined Petitioner's Medicaid and MSP eligibility. As a remedy, Petitioner is entitled to a reprocessing of Medicaid beginning December 2023 and MSP beginning April 2024. Again, there was no corroborating evidence to reverse specific actions; thus, the below order is unable to provide specific changes to be taken upon reprocessing.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly processed Petitioner's FAP, Medicaid, and MSP eligibility. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reprocess Petitioner's Medicaid eligibility beginning December 2023;
- (2) Reprocess Petitioner's FAP eligibility beginning February 2024;
- (3) Reprocess Petitioner's MSP eligibility beginning April 2024; and
- (4) Issue supplements and notice, if any, in accordance with policy

The actions taken by MDHHS are **REVERSED**.

CG/nr



Christian Gardocki
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

Yaita Turner
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
**MDHHS-Oakland-6303-
Hearings@michigan.gov**

Interested Parties

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Via-First Class Mail :

Petitioner

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