



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: May 23, 2024  
MOAHR Docket No.: 24-004026  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Julia Norton**

### **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 telephone hearing was held on May 20, 2024. Petitioner was present and self-represented. Interpreter numbers 2808 and 8483 appeared as Arabic interpreters for Petitioner. The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist.

### **ISSUE**

1. Did the Department properly determine Petitioner's children's, [REDACTED] (RA) and [REDACTED] (LA), eligibility for Medicaid (MA) coverage?
2. Did the Department properly close Petitioner's Food Assistance Program (FAP) case for failure to return requested verifications?

### **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 an ongoing FAP recipient with a household group size of five.
2. RA and LA were ongoing recipients of MA coverage.
3. On December 11, 2023, as part of a redetermination, the Department sent Petitioner a Verification Checklist (VCL) requesting proof of mortgage, residential address and self-employment for [REDACTED] (MAA). Exhibit A, pp. 16-18.

4. On February 3, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) indicating that Petitioner's FAP case would be closed, effective March 1, 2024 ongoing, for failure to return verifications of self-employment for MAA. Exhibit A, pp. 9-12.
5. On April 4, 2024, the Department received Petitioner's request for hearing to dispute the Department's actions in both the MA and FAP cases. Exhibit A, pp. 3-5.
6. On April 17, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) indicating that both RA and LA were eligible for full coverage MA, effective May 1, 2024 ongoing. Exhibit A, pp. 13-15.

### **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).

#### **Medical Assistance (MA) Program**

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 (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

At the hearing, Petitioner testified that she was satisfied with the actions taken by the Department in her MA case and the coverage provide to RA and LA. Petitioner withdrew the MA portion of her hearing request. Therefore, Petitioner's portion of her hearing request is withdrawn and DISMISSED.

#### **Food Assistance Program (FAP)**

The Food Assistance Program (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. The Department (formerly known as the Department of Human Services) 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, Petitioner disputes the Department's action closing her FAP case for failure to return employment verifications for MAA.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. The Department obtains verification when, for example, information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130 (October 2023), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130, p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. The Department sends a negative action notice when: the client indicates a refusal to provide a verification OR the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

Here, the Department issued a VCL to Petitioner on December 11, 2023, requesting verification of mortgage, residential address and self-employment for MAA, with a due date of December 21, 2023. The Department testified that it timely received the mortgage statement and verification of residential address and verification of Petitioner's income on December 14, 2023. The Department did not receive self-employment information for MAA. A NOCA was sent to Petitioner on February 3, 2024, indicating that her FAP case would close, effective March 1, 2024 ongoing, for failing to return self-employment verification for MAA.

The Department testified that on February 15, 2024, Petitioner contacted the Department and another VCL was sent to Petitioner with a due date of February 26, 2024, requesting self-employment information for MAA. In response, Petitioner timely submitted three months of self-employment statements for MAA, which were received by the Department on February 25, 2024. Petitioner returned the requested documentation before the March 1, 2024 closure of her FAP case. The Department should not have closed Petitioner's case and should have processed the reported information.

At the time the Department closed Petitioner's FAP case on March 1, 2024, the Department had received all of the requested verifications from Petitioner. Therefore, the Department did not act in accordance with Department policy when it closed Petitioner's FAP case for failing to submit verifications.

**DECISION AND ORDER**

Based on her withdrawal of the MA portion of her hearing request, Petitioner's hearing concerning MA is **DISMISSED**.

The Department's FAP decision is **REVERSED**.

THE DEPARTMENT 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. Reprocess Petitioner's FAP redetermination and, if eligible, issue FAP benefits for March 1, 2023 ongoing; and
2. Notify Petitioner of its decision in writing.



JN/ml

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**Julia Norton**  
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**

Tara Roland 82-17  
Wayne-Greenfield/Joy-DHHS  
8655 Greenfield  
Detroit, MI 48228

**MDHHS-Wayne-17-hearings@michigan.gov**

**Interested Parties**

BSC4  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via First Class Mail:**

**Petitioner**

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