



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON BROWN
DIRECTOR

██████████
██████████
██████████

Date Mailed: June 20, 2024
MOAHR Docket No.: 24-005481
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on June 18, 2024, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Rachel Brown.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for the Medical Assistance (MA), Food Assistance Program (FAP), and State Emergency Relief (SER) programs?

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 April █ 2024, the Department received Petitioner's application for State Emergency Relief (SER) assistance.
2. Petitioner is an ongoing recipient of Medical Assistance (MA) under the Healthy Michigan Program (HMP).
3. On May █ 2024, the Department notified Petitioner that she was eligible for a █ monthly allotment of Food Assistance Program (FAP) benefits as of June 1, 2024.
4. On May █ 2024, the Department notified Petitioner that her application for State Emergency Relief (SER) assistance was approved without any co-payment necessary from Petitioner.
5. On May 6, 2024, the Department received Petitioner's request for a hearing.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

The Food Assistance Program (FAP) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3001 through 400.3011.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1 *et seq.* The Department administers the SER program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.7000 through R 400.7049.

On April ■ 2024, the Department received Petitioner's application for SER assistance. Petitioner's application was approved on May ■ 2024, without the need for any co-payment by Petitioner. On May ■ 2024, the Department notified Petitioner that she is eligible for ongoing FAP benefits as of June 1, 2024.

Petitioner credibly argues that she had been unable to be reimbursed for medical transportation, but failed to offer evidence that she is not eligible for full MA benefits under the Healthy Michigan Program. Petitioner also failed to over evidence of medical transportation expenses that were denied.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.

- Suspension or termination of program benefits or service.
- Restrictions under which benefits, or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.

Department of Human Services Bridges Administrative Manual (BAM) 600 (June 1, 2024).

Petitioner is not entitled to an administrative hearing based on her May 2024, request because she failed to establish a negative action for which Michigan Office of Administrative Hearings and Rules (MOAHR) can grant relief.

Petitioner claims to be disabled and as a result of her disability, the Department is in the process of evaluating her eligibility for ongoing MA benefits based on this disability. The Healthy Michigan Plan (HMP) does not provide health coverage for disabled individuals. Categories of MA for disabled individuals require that the Department obtain verification of the individual's countable assets. In this case, this process is ongoing and if Petitioner fails to establish her eligibility, she may request an additional hearing at that time.

Petitioner argues that her caseworker is intentionally making it difficult for her to received benefits and services from the Department.


However, an administrative hearing is not the appropriate venue to consider Petitioner's grievances against her worker. Petitioner's complaints about her caseworker need to be addressed through her worker's manager. A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

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 acted in accordance with Department policy when it processed her State Emergency Relief (SER) application and determined her ongoing eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Amber Gibson
Ingham County DHHS
**MDHHS-Ingham-
Hearings@michigan.gov**

HoldenM

DensonSogbakaN

SchaeferM

EQADHearings

McLaughlinJ

HolzhausenE

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

██████████
██████████████████
██████████████████