



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 6, 2024
MOAHR Docket No.: 23-009864
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 February 1, 2024, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Todd Barrus.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's Food Assistance Program (FAP) benefits?

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 November [REDACTED] 2023, the Department requested that Petitioner provide verification of her employment by November 13, 2023. Exhibit A, p 5.
2. On November [REDACTED] 2023, the Department sent Petitioner a Verification Checklist (DHS-3503) with a November 27, 2023. Exhibit A, p 9.
3. On November [REDACTED] 2023, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective December 1, 2023. Exhibit A, p 11.
4. On December [REDACTED] 2023, the Department notified Petitioner that she was not eligible for Medical Assistance (MA) effective January 1, 2024. Exhibit A, p 13.
5. On December 21, 2023, the Department received Petitioner's verbal request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, p 3.

6. On December 21, 2023, the Department received Petitioner's written request for a hearing protesting the closure of her Medical Assistance (MA) benefits. Exhibit A, p 4.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2023), p 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (October 1, 2023), pp 1-10.

Petitioner was an ongoing recipient of FAP benefits when the Department requested that she provide verification of her employment by November 15, 2023. The hearing record supports a finding that Petitioner failed to provide verification of her employment in a timely manner, and on November 16, 2023, the Department notified her that she was not eligible for FAP benefits effective December 1, 2023. This notice of closure included

instructions that she could continue to receive FAP benefits pending an appeal of the benefits closure if her request for a hearing was received by November 17, 2023. Petitioner's hearing request was not received before November 17, 2023, and her FAP benefits closed effective December 1, 2023.

On November [REDACTED] 2023, the Department sent Petitioner a Verification Checklist (DHS-3503) with a November 27, 2023, due date for the purposes of determining her eligibility for ongoing MA benefits. The hearing record supports a finding that Petitioner failed to reply to the request for verification in a timely manner, and on December 1, 2023, the Department notified Petitioner that she was not eligible for MA benefits effective January 1, 2024.

Petitioner does not dispute that she failed to return the requested information in a timely manner. Petitioner testified that she attempted to provide the Department with the information requested by the Department on November 27, 2023. The Department does not dispute that documents were received on November 27, 2023, but that those documents were insufficient to accurately determine Petitioner's eligibility for FAP or MA benefits.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for complying with program requirements before the negative action date. Department of Health and Human Services Bridges Administrative Manual (BAM) 205 (July 1, 2023), p 1.

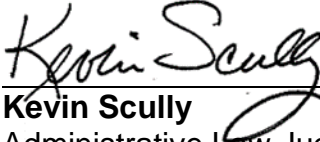
Petitioner testified that she provided the Department with the information requested by the Department on January 5, 2024. Since this information was received by the Department after the negative action with respect to both her FAP and MA benefits, reinstatement was not appropriate as directed by BAM 205.

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 closed Petitioner's Medical Assistance (MA) and Food Assistance Program (FAP) 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
Jessica Sheely
Hillsdale County DHHS
MDHHS-Hillsdale-
Hearings@michigan.gov

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BSC4HearingDecisions

MOAHR

Via-First Class Mail :

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