



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 25, 2024
MOAHR Docket No.: 24-002577
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED] [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 April 16, 2024, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Amber Gibson.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for cash assistance and Food Assistance Program (FAP) benefits?

Did Petitioner present an issue entitling her to an administrative hearing with respect to Medical Assistance (MA)?

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 February [REDACTED] 2024, the Department received Petitioner's application for assistance as a household of one. Exhibit A, p 4.
2. Petitioner reported on her February [REDACTED] 2024, application for assistance that she receives Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$[REDACTED] Exhibit A, p 8.
3. Petitioner reported on her February [REDACTED] 2024, application form that she is not currently a victim of domestic violence. Exhibit A, p 7.
4. Petitioner is an active recipient of food assistance granted to her by the state of California. Exhibit A, p 9.

5. On March ■ 2024, the Department notified Petitioner that she was not eligible for cash assistance. Exhibit A, p 13.
6. On March ■ 2024, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits. Exhibit A, p 13.
7. On February 27, 2024, the Department received Petitioner's request for a hearing. Exhibit A, p 3.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 through 679c. The Department administers FIP pursuant to 45 CFR 233 through 261, MCL 400.10, the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1 *et seq.* The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3151 through 400.3180.

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.

Petitioner filed an application for assistance on February ■ 2024, as a household of one. Since Petitioner is not the caretaker of a minor child, she is not entitled to any cash assistance under the Food Assistance Program (FAP). Department of Health and Human Services Bridges Eligibility Manual (BEM) 210 (July 1, 2021), pp 1-20.

The State Disability Assistance (SDA) is a cash assistance program and applications for SDA assistance are required to apply for social security benefits and reimburse the Department for SDA benefits received upon approval for social security. Department of Health and Human Services Bridges Eligibility Manual (BEM) 272 (January 1, 2018), pp 1-6. Further, Petitioner's current income exceeds the \$200 limit to be eligible for any SDA cash assistance. Department of Health and Human Services Reference Table Manual (RFT) 225 (December 1, 2023), p 1.

On February [REDACTED] 2024, Petitioner applied for Food Assistance Program (FAP) benefits. No individual may participate as a member of more than one household in any month unless an individual is a resident of a shelter for battered women and children. 7 CFR 273.3. Petitioner reported on her February [REDACTED] 2024, application for assistance that she is an ongoing recipient of food assistance granted to her by the state of California. Therefore, Petitioner is not eligible for any Michigan FAP benefits while an active of food assistance from another state.

Petitioner applied for Medical Assistance (MA) benefits. To be eligible for MA benefits, a person must be a Michigan resident. Department of Health and Human Services Bridges Eligibility Manual (BEM) 220 (January 1, 2023), pp 1-2. The Department may not place a durational requirement for residence with respect to eligibility for MA benefits unless another state has determined that the person is a resident there for purposes of Medicaid. 42 CFR 435.403.

Further, no evidence was entered into the hearing record that the Department had denied Petitioner's application for MA benefits as of February [REDACTED] 2024. Petitioner is entitled to a hearing with respect to the denial of benefits. In this case, Petitioner's application for MA benefits remained pending at the time she filed her request for a hearing. Therefore, Petitioner is not entitled to an administrative hearing respect to her eligibility for MA benefits. Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2021), p 5.

Petitioner argues that she should be entitled to benefits as of her application date, but Petitioner has not established that as of February [REDACTED] 2024, that she is eligible for any benefits.

Petitioner testified that she received poor service from the Department that is a barrier to her receiving benefits.

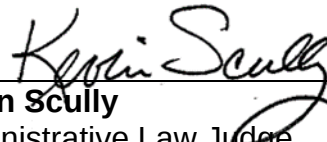
A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

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 denied Petitioner's application for cash assistance and food assistance. Petitioner is not entitled to an administrative hearing with respect to the Medical Assistance (MA) program.

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-
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SanbornB

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EQADHearings

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]