



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: July 26, 2024
MOAHR Docket No.: 24-005977
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 July 18, 2024, from Lansing, Michigan. ██████ ██████ the Petitioner, appeared on her own behalf. ██████ ██████ Child Welfare Director, St. Vincent, appeared as a witness for Petitioner. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-24 and Petitioner's additional documentation was admitted as Exhibit 1, pp. 1-9, Exhibit 2, pp. 1-15, Exhibit 3, pp. 1-9, and Exhibit 4, pp. 1-10.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit case?

Did the Department properly determine eligibility for Medical Assistance for children in Petitioner's home?

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 ██████ 2022, a Health Care Coverage Determination Notice was sent to Petitioner approving MA for child ██████ effective May 1, 2022. (Exhibit A, pp. 13-16)

2. On May █ 2022, a Health Care Coverage Determination Notice was sent to child █ approving MA for him effective May 1, 2022. (Exhibit A, pp. 17-20)
3. On December █ 2023, Petitioner submitted a Redetermination for MA. (Exhibit 3, pp. 1-9)
4. On February █ 2024, a Semi-Annual Contact Report was issued to Petitioner with a due date of February 21, 2024. It was noted that FAP benefits would end if the form was not submitted. (Exhibit A, pp. 6-10)
5. On February █ 2024, Petitioner resubmitted the December █ 2023 Redetermination for MA, re-signed with the current date and added the first page from the Semi- Annual Contact Report as well as several verifications. (Exhibit 3, pp. 1-9; Exhibit 4, pp. 1-10)
6. On March █ 2024, a Notice of FAP Closure was issued to Petitioner stating the FAP case would close effective March 31, 2024 based on not returning the Semi-Annual contact form. (Exhibit A, pp. 11-12)
7. On May █ 2024, a Health Care Coverage Determination Notice was sent to Petitioner approving MA for child █ effective April 1, 2024. (Exhibit A, pp. 21-24)
8. On May 9, 2024, Petitioner submitted a hearing request contesting¹ the closure of FAP and MA benefits. (Exhibit A, pp. 3-5)
9. The HF confirmed that MA for all children in Petitioner's home is on and ongoing. (Exhibit A, p. 1; HF Testimony).

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).

MA

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

¹ Petitioner's hearing request also contested a closure of child support, however, there is no jurisdiction to address child support issues as part of this administrative hearing.

Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Petitioner submitted copies correspondence with the Department regarding MA coverage. These emails indicate that there may have been a system error, but MA coverage was active and has been active with no gap. (Exhibit 1, pp. 1-9; Exhibit 2, pp. 1-15)

The HF confirmed that MA for all children in Petitioner's home is on and ongoing. The HF explained that the MA for the foster children is processed by a separate office, but currently shows MA coverage for the entire time. If there was a closure in error, it was reinstated without any loss of benefits. (Exhibit A, p. 1; HF Testimony).

As MA coverage is active for the children with no gaps in coverage, it appears that any errors have been corrected and MA eligibility was properly determined for the children in Petitioner's home.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. Bridges Administrative Manual (BAM) 105 (March 1, 2024), p. 7.

The Department must periodically re-determine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to re-determine eligibility of active programs. BAM 210 (January 1, 2024), p. 1.

Bridges sends a MDHHS-2240-A, Mid-Certification Contact Notice, for groups assigned a 24-month benefit period during the 11th month of their benefit period and a MDHHS-1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12-month benefit period. BAM 210, p. 11.

In order to receive uninterrupted benefits (benefits available on his/her scheduled issuance date), the client must file the redetermination through MI Bridges or file either a MDHHS-1010, Redetermination and MDHHS-1010-FAP, MDHHS-1171, Assistance Application and MDHHS-1171-FAP supplement, or a signed MDHHS-1010-FAP, FAP

1010 supplemental filing form, by the fifteenth of the redetermination month. BAM 210, p. 17.

The group loses its right to uninterrupted FAP benefits if it fails to do any of the following: file the FAP redetermination by the timely filing date; participate in the scheduled interview; submit verifications timely, provided the requested submittal date is after the timely filing date. BAM 210, p. 22.

For FAP, benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. If the client does not begin the redetermination process, the benefit period is allowed to expire. BAM 210, p. 4.

If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges automatically closes the EDG. A DHS-1605 is not generated. BAM 220, p. 14.

Regarding the Semi-Annual Contact Report, BAM 210 policy states:

Failure to Record Receipt of the Semi-Annual Contact Report

If the MDHHS-1046 is not logged in Bridges by the 10th day of the sixth month, Bridges will generate a MDDHS-1046-A, Notice of Food Assistance (FAP) Closure, to the client. This reminder notice explains that the client must return the MDHHS-1046 and all required verifications by the last day of the month, or the case will close.

If the client fails to return a complete MDHHS-1046 by the last day of the sixth month, Bridges will automatically close the case. If the client reappplies, treat it as a new application and Bridges will prorate the benefits.

If the completed MDHHS-1046 and verifications are returned by the last day of the sixth month, process the changes to ensure the client's benefits are available no later than 10 days after their normal issuance date in the seventh month of the benefit period.

BAM 210, p. 15.

In this case, on February ■ 2024, a Semi-Annual Contact Report was issued to Petitioner with a due date of February 21, 2024. It was noted that FAP benefits would end if the form was not submitted. (Exhibit A, pp. 6-10).

On February ■ 2024, Petitioner resubmitted a December ■ 2023 Redetermination for MA, re-signed with the current date and added the first page from the Semi-Annual Contact Report as well as several verifications. (Exhibit 3, pp. 1-9; Exhibit 4, pp. 1-10). It appears that Petitioner may have been intending to add an additional page from the Semi-Annual Contact Report, however, based on the form number at the bottom of this page, this was the household and asset information page from a DHS-1010 Redetermination form, not a part of the DHS-1046 Semi-Annual Contact Report. (Exhibit 4, p. 2).

On March █ 2024, a Notice of FAP Closure was issued to Petitioner stating the FAP case would close effective March 31, 2024 based on not returning the Semi-Annual contact form. (Exhibit A, pp. 11-12).

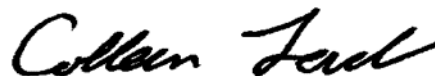
Petitioner asserted that a DHS worker told her she could re-turn in the MA Redetermination packet for the FAP case. Petitioner stated that she did what she was supposed to and turned in what she was supposed to. (Petitioner Testimony). The HF testified that the DHS-1010 Redetermination form and DHS-1046 Semi-Annual Contact Report are not interchangeable, and the MA redetermination form could not be used to redetermine eligibility for FAP. (HF Testimony).

Ultimately, the Department's determination to close Petitioner's FAP case was in accordance with Department policy. It was uncontested that Petitioner re-submitted the MA redetermination with updated signature and verifications on February █ 2024. The Hearing Facilitator explained that the MA redetermination could not be used in place of the Semi-Annual Contact Report. Further, on March █ 2024, a Notice of FAP Closure was issued to Petitioner stating the FAP case would close effective March 31, 2024 based on not returning the Semi-Annual contact form. (Exhibit A, pp. 11-12). There was no evidence that Petitioner then submitted the needed Semi-Annual Contact Report. The FAP case closed because the Department did not receive a completed Semi-Annual Contact Report from Petitioner, which was needed to determine her ongoing eligibility for FAP.

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 FAP benefit case.

DECISION AND ORDER

Accordingly, the Department's MA and FAP decisions are **AFFIRMED**.



CL/dm

Colleen Lack
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
Amber Gibson
Ingham County DHHS
**MDHHS-Ingham-
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HoldenM

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EQADHearings

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
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