



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

Date Mailed: July 19, 2024
MOAHR Docket No.: 24-006772
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 15, 2024, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) benefit applications?

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 [REDACTED] 2024, Petitioner submitted an application for FAP benefits (Exhibit A, pp. 9-15).
2. On May 1, 2024, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of Petitioner's income (Exhibit A, pp. 37-39).
3. On [REDACTED] 2024, Petitioner submitted an application for FAP and MA benefits (Exhibit A, pp. 16-23).
4. On May 3, 2024, the Department sent Petitioner a VCL requesting verification of her income (Exhibit A, pp. 35-26).

5. On May 13, 2024, Petitioner submitted pay checks related to her employment at [REDACTED] and at [REDACTED] (Exhibit A, pp. 24-34).
6. On May 29, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that her MA application was denied for her failure to submit the requested verifications (Exhibit A, pp. 40-42).
7. On May 30, 2024, the Department sent Petitioner a Notice of Case Action informing her that her FAP application was denied for her failure to submit the requested verifications (Exhibit A, pp. 43-47).
8. On June 17, 2024, Petitioner submitted a request for hearing disputing the Department's actions.

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 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.

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.

In this case, Petitioner submitted an application for FAP on [REDACTED] 2024. Petitioner submitted a second application on [REDACTED] 2024, for FAP and MA. The Department sent Petitioner a VCL on May 1, 2024, and May 3, 2024, requesting verification of her income. Proofs were due by May 13, 2024.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2021), 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 and MA 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. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. BAM 130, p. 7. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a Department representative are considered to be received the next business day. 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.

The Department testified that Petitioner submitted verification of her income at [REDACTED] and [REDACTED] on May 13, 2024. The Department stated that Petitioner submitted verification of 30 days of income for [REDACTED] but not for [REDACTED]. The Department testified that based on Petitioner's pay statements from [REDACTED] which reflected a pay period of one week, Petitioner only submitted two out of the four required pay checks. Therefore, the Department denied Petitioner's applications.

Petitioner testified that she is paid on a biweekly basis at both [REDACTED] and at [REDACTED]. Petitioner was uncertain as to why her [REDACTED] pay statements reflected only a weeklong pay period. Petitioner stated that she attempted to comply with the Department's requested for verifications.

The Department sends a negative action 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. Petitioner clearly did not indicate a refusal to provide the verification and made a reasonable effort to comply with the requests for verification. Thus, the Department did not act in accordance with policy when it denied Petitioner's applications.

DECISION AND ORDER

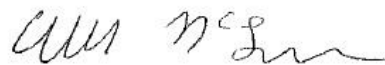
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Petitioner's FAP and MA applications.

Accordingly, the Department's 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. Reinstatement and reprocess Petitioner's [REDACTED] 2024 and [REDACTED] 2024 applications;
2. If Petitioner is eligible for FAP benefits, issue supplements she is entitled to receive;
3. If Petitioner is eligible for MA benefits, provide coverage she is entitled to receive; and
4. Notify Petitioner of its decision in writing.

EM/ml



Ellen McLemore
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:

Respondent

Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
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Interested Party

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka
M Schaefer
EQAD
MOAHR

Via First Class Mail:

Petitioner

[REDACTED], MI [REDACTED]