



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR



Date Mailed: August 1, 2024
MOAHR Docket No.: 24-007393
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 29, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. A representative from the Department of Health and Human Services (Department) did not appear for the hearing and it was held in the absence of the Department.

ISSUE

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits and process Medical Assistance (MA) eligibility for Petitioner's grandchildren?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner is the legal guardian of her five minor grandchildren. Petitioner's grandchildren were previously receiving MA benefits under their mother's case; however, the children's mother passed away in September 2023.
2. On or around [REDACTED] 2024, Petitioner submitted an application requesting FAP and MA benefits for the children from the Department.
3. The Department denied Petitioner's FAP application because it determined that Petitioner's household had excess income.

4. On or around May 6, 2024, Petitioner submitted a second application requesting FAP and MA benefits. The Department's eligibility decision with respect to this application was unknown.
5. On or around May 22, 2024, Petitioner submitted a third application, this one requesting only FAP benefits for the children. The Department's eligibility decision with respect to this application was unknown.
6. On or around June 13, 2024, Petitioner requested a hearing disputing the Department's actions with respect to her FAP and MA applications.

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, the Department was not present for the hearing and thus did not present any documentary or testimonial evidence in support of the processing and/or denial of Petitioner's applications for FAP and MA benefits. At the hearing, the undersigned read the Hearing Summary prepared by the Department in response to Petitioner's request for hearing into the hearing record. According to the Hearing Summary, Petitioner's [REDACTED] 2024, FAP application was denied because the Department determined that her household had excess income. The Hearing Summary did not reference any eligibility decision concerning Petitioner's May 6, 2024, or May 22, 2024, FAP applications. With respect to the MA program, the Hearing Summary indicates that Petitioner's grandchildren were removed from their mother's case and transferred to Petitioner's MA case. The Hearing Summary indicates that Petitioner's grandchildren were approved for

full coverage MA benefits and that a notice was issued to Petitioner advising of the approval.

In order to be eligible for FAP benefits, FAP groups must have income below the applicable gross and/or net income limits based on their group size. BEM 213 (March 2024); BEM 212 (March 2024); BEM 550 (February 2024); RFT 250 (October 2023). It was unknown whether the Department determined that Petitioner's household had excess gross income or excess net income for FAP purposes. Additionally, while Petitioner confirmed that she was employed and had biweekly earnings and further, that her five grandchildren each received unearned income from survivor's benefits, because the Department was not present for the hearing, there was no evidence presented in support of the Department's finding that Petitioner's household had income in excess of the income limit based on her group size. Because the Department did not present any evidence of Petitioner's income, the applicable deductions, or the income limit, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's [REDACTED] 2024, FAP application. Furthermore, there was no explanation as to the processing of and/or denial of Petitioner's May 6, 2024, or May 22, 2024, FAP applications.

Additionally, although the Hearing Summary indicated that Petitioner's grandchildren were approved for full coverage MA benefits, because of the Department's failure to appear for the hearing, there was no documentary evidence presented in support of the Department's Hearing Summary indicating that the children were approved for full coverage MA benefits.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed and/or denied Petitioner's FAP applications and MA eligibility for Petitioner's grandchildren.


DECISION AND ORDER

Accordingly, the Department's FAP and MA decisions are **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. Register and reprocess Petitioner's [REDACTED] 2024, May 6, 2024, and May 22, 2024, FAP applications to determine her household's eligibility for FAP benefits from each application date, ongoing;
2. Issue FAP supplements to Petitioner for any benefits she was eligible to receive but did not, if any, from [REDACTED] 2024, May 6, 2024, and May 22, 2024, ongoing, in accordance with Department policy;
3. Redetermine MA eligibility for Petitioner's five grandchildren under the most beneficial category for April 1, 2024, ongoing;
4. If eligible, provide MA coverage to Petitioner's five grandchildren for any MA benefits that they were entitled to receive but did not, if any, from April 1, 2024, ongoing, and
5. Notify Petitioner in writing of its FAP and MA decisions after reprocessing the applications and redetermining eligibility.

ZB/ml



Zainab A. Baydoun
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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
MDHHS-Wayne-57-Hearings@michigan.gov

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

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]