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GOVERNOR

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

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DIRECTOR

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Date Mailed: September 26, 2024
MOAHR Docket No.: 24-008822
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On July 23, 2024, Petitioner, ██████████ requested a hearing to dispute a Food Assistance Program (FAP) and Medical Assistance (MA) determination. As a result, a hearing was scheduled to be held on September 19, 2024, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), did not appear for the hearing. The hearing was held in the Department's absence.

ISSUES

Did the Department properly determine Petitioner's MA eligibility effective July 1, 2024?

Did the Department properly determine Petitioner's FAP eligibility effective June 1, 2024?

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 July 16, 2024, the Department issued a Health Care Coverage Determination Notice stating that from July 1, 2024, through July 31, 2024, Petitioner would have a \$1,484.00 deductible, and beginning August 1, 2024, Petitioner would have a monthly deductible of \$1,332.00.
2. On July 16, 2024, the Department issued a Notice of Case Action stating that effective June 1, 2024, Petitioner's FAP benefit case would be closed due to excess net income.
3. On July 23, 2024, Petitioner requested a hearing to dispute the Department's MA and FAP eligibility determinations.

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).

Medical Assistance

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

In this case, the Department failed to appear for the September 19, 2024, hearing. Accordingly, the Department was unable to submit the documentation and testimony needed to determine whether the Department properly determined Petitioner's MA eligibility effective July 1, 2024. Therefore, the Department's MA eligibility determination must be reversed.

Food Assistance

The 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.

Because the Department failed to appear for the September 19, 2024, hearing, the Department was unable to submit the documentation and testimony needed to proceed with an administrative hearing to determine whether the Department properly determined Petitioner's FAP eligibility effective June 1, 2024. Therefore, the Department's FAP eligibility determination must be reversed.

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 satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's eligibility for MA and FAP.

IT IS ORDERED, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE THE ORDER WAS ISSUED:

1. Re-determine Petitioner's eligibility for MA benefits as of the July 1, 2024, effective date in accordance with Department policy.
2. Re-determine Petitioner's eligibility for FAP benefits as of the June 1, 2024, effective date in accordance with Department policy.



Danielle R. Harkness
Administrative Law Judge

DH/pt

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

Jennifer Dunfee
Cass County DHHS
325 M-62
Cassopolis, MI 49031

MDHHS-Cass-Hearings@michigan.gov

Interested Parties

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M Holden
B Cabanaw
N Denson-Sogbaka
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EQAD
MOAHR

Via-First Class Mail:

Petitioner

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