



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

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Date Mailed: October 18, 2024  
MOAHR Docket No.: 24-010312  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

### **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 hearing was held on October 9, 2024, via teleconference. Petitioner appeared and represented herself. A representative from the Michigan Department of Health and Human Services (MDHHS or Department) did not appear. The documents that MDHHS prepared for the hearing were admitted into evidence as Petitioner Exhibit 1, pp. 1-23.

### **ISSUE**

Did MDHHS properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits and Medicaid (MA) coverage?

### **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 March 27, 2024, MDHHS sent Petitioner a Health Care Coverage Determination Notice indicating that she was approved for MA with a monthly deductible, effective April 1, 2024 ongoing (Exhibit 1, p. 9). The Notice also indicated that she was eligible for Medicare Savings Program (MSP) benefits, effective March 1, 2023 ongoing (Exhibit 1, p. 9).
2. On April 6, 2024, MDHHS sent Petitioner a Notice of Case Action indicating that her FAP benefits decreased to \$██████████ per month, beginning May 1, 2024 (Exhibit A, p. 19).

3. On September 17, 2024, MDHHS sent Petitioner a Health Care Coverage Determination Notice indicating that she was approved for full coverage MA for the month of August 2024 (Exhibit 1, p. 14).
4. On September 9, 2024, Petitioner requested a hearing regarding her FAP and MA benefits (Exhibit 1, pp. 3-4).

### **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. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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

In this case, Petitioner disputed MDHHS' determinations regarding her MA and FAP benefits. MDHHS did not appear at the hearing to explain its actions and the documentation it submitted for the hearing did not provide a complete picture of the determinations.

Regarding FAP, Petitioner was receiving an ongoing amount of \$198.00 per month. Clients are entitled to dispute FAP benefit rates whenever they believe that the rate is incorrect. BAM 600 (February 2024), p. 7. MDHHS did not appear at the hearing or submit a FAP budget to show how it calculated Petitioner's FAP benefit rate. Therefore, MDHHS failed to demonstrate that it acted in accordance with MDHHS' policy when it determined Petitioner's FAP benefit rate. Regarding MA, Petitioner was approved for MA with a deductible and MSP benefits. However, MDHHS did not provide a budget to show how the deductible amount was calculated, nor did it provide sufficient information to show when Petitioner met the deductible.

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

**DECISION AND ORDER**

Accordingly, MDHHS' decision is **REVERSED**. MDHHS 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. Redetermine Petitioner's eligibility for MA and MSP, and whether Petitioner met her deductible, if any, from April 1, 2024 ongoing;
2. Redetermine Petitioner's FAP benefit rate, from May 1, 2024 ongoing;
3. Provide Petitioner with any supplemental payments or retroactive benefits that she was eligible to receive; and
4. Notify Petitioner in writing of its decision(s).

LJ/pt

  
**Linda Jordan**  
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**

Nicolette Vanhavel  
235 S Grand Ave Ste 1403  
Lansing, MI 48933

**MDHHS-MiCAP-Hearings@michigan.gov**

**Interested Parties**

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

**Via-First Class Mail:**

**Petitioner**

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