



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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██████████, MI ██████████

Date Mailed: November 19, 2024
MOAHR Docket No.: 24-011836
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Julia Norton

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 November 14, 2024. Petitioner was present and self-represented. ██████████ ██████████ and ██████████ ██████████ appeared as Arabic interpreters for Petitioner. The Department of Health and Human Services (Department) was represented by Danielle Moton, Assistance Payments Worker.

ISSUE

Did the Department properly process Petitioner's application 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 May 13, 2024, Petitioner submitted to the Department a redetermination for FAP benefits.
2. On ██████████ ██████████ 2024, the Department received Petitioner's application for FAP and MA. Petitioner requested MA coverage for himself, ██████████ ██████████ (Spouse), and his two minor children, ██████████ ██████████ (AA) and ██████████ ██████████ (EA). Exhibit A, pp. 7-15.
3. On October 8, 2024, the Department received Petitioner's request for hearing disputing the Department's processing of his FAP and MA. Exhibit A, pp. 3-4.
4. On October 14, 2024, the Department sent Petitioner an appointment notice for a FAP redetermination interview. Exhibit A, p. 16.

5. On October 14, 2024, the Department sent Petitioner a Verification Checklist (VCL) with a due date of October 24, 2024, requesting verification of the last 30 days of earnings from [REDACTED] [REDACTED] (Employer 1), loss of employment from Employer 1, and self-employment. Exhibit A, pp. 18-20.
6. On October 21, 2024, Petitioner completed the FAP interview.
7. On October 21, 2024, the Department sent Petitioner a VCL with a due date of October 31, 2024, requesting verification of income from [REDACTED] (Employer 2) and the [REDACTED] [REDACTED] [REDACTED] (Employer 3).
8. On October 23, 2024, the Department received documents from Petitioner including a letter from Employer 1 verifying loss of employment, a monthly paycheck from Employer 3 and 8 pages of documents reflecting payments without identifying information.

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).

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.

In this case, Petitioner requested a hearing to dispute the Department's failure to process his FAP case. The Department acknowledged that it had not processed Petitioner's May 13, 2024 FAP redetermination or his [REDACTED] [REDACTED] 2024 FAP application.

For FAP, the redetermination process begins when the client files a MDHHS-1171, Assistance Application and MDHHS1171-FAP, Supplement- Food Assistance Program; MDHHS-1010, Redetermination and MDHHS-1010-FAP; MDHHS-1171, filing form. BAM 210 (October 2024), p. 3. The Department generates a redetermination packet to the client on the fourth day of the month before the redetermination is due. This allows time to process the redetermination before the end of the redetermination month. BAM 210 (October 2024), p. 20.

The FAP redetermination must be completed by the end of the current benefit period so that the client can receive uninterrupted benefits by the normal issuance date. *Id.* If

timely redetermination procedures are met, but too late to meet the normal issuance date, issue benefits within five workdays. The Department will issue a payment for lost benefits if the client is not at fault for delayed processing that prevented participation in the first month. BAM 210, p. 21.

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110 (July 2024), p. 5. Once an application is registered, the Department must certify eligibility results for each program requested within the applicable standard of promptness (SOP). The SOP begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2024), p. 15. For FAP benefits, the expedited SOP due date is six calendar days after the application date and 29 calendar days after a regular FAP application is received. BAM 115, p. 16. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 23-25; BAM 220 (November 2023), p. 22. The Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. BAM 220, p. 2. A negative action is a Department action to deny an application or to reduce, suspend or terminate a benefit. BAM 220, p. 1.

Here, the Department confirmed that Petitioner's FAP redetermination was received on May 13, 2024 and subsequent FAP application was received on [REDACTED] 2024. Upon review of its electronic case file, the Department further confirmed that as of the hearing date, both the redetermination and the application were pending and there had been no eligibility decisions issued. The Department provided no valid explanation for the failure to timely process Petitioner's May 13, 2024 FAP redetermination or [REDACTED] 2024 FAP application.

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

In this case, Petitioner requested a hearing to dispute the Department's failure to process his [REDACTED] 2024 MA application.

When the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110 (July 2024), p. 5. Once an application is registered, the Department must certify eligibility results for each program requested within the applicable standard

of promptness (SOP). The SOP begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2024), p. 15. For MA applications, the SOP due date is 45 calendar days after the application date, with some limited exceptions not applicable here. BAM 115, p. 15. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 23-25; BAM 220 (November 2023), p. 22. The Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. BAM 220, p. 2. A negative action is a Department action to deny an application or to reduce, suspend or terminate a benefit. BAM 220, p. 1.

Here, the Department confirmed that Petitioner's MA application was received on [REDACTED] 2024. Upon review of its electronic case file, the Department further confirmed that as of the hearing date, the application was pending and there had been no eligibility decision issued. The Department provided no valid explanation for the failure to timely process Petitioner's [REDACTED] 2024, MA application.

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 failed to process Petitioner's application for FAP and MA.

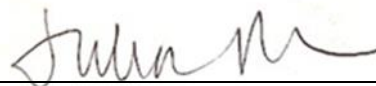
DECISION AND ORDER

Accordingly, the Department's decisions regarding **FAP** and **MA** 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. Complete processing Petitioner's May 13, 2024 FAP redetermination;
2. If eligible for FAP after processing the May 13, 2024 redetermination, issue FAP supplements to Petitioner for any benefits he was eligible to receive but did not, if any, from June 1, 2024, ongoing, in accordance with Department policy;
3. Register and process Petitioner's [REDACTED] 2024, FAP and MA application, requesting additional verifications if necessary;
4. If eligible for FAP, issue FAP supplements to Petitioner for any benefits he was eligible to receive but did not, if any, from September 3, 2024, ongoing, in accordance with Department policy;
5. If eligible for MA, provide Petitioner, Spouse, AA and EA with the best available MA coverage effective September 1, 2024 ongoing; and
6. Notify Petitioner in writing of its decisions.

JN/nr



Julia Norton
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
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Interested Parties
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EQAD
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Via-First Class Mail :

Petitioner
[REDACTED]
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[REDACTED], MI [REDACTED]