



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON BROWN  
DIRECTOR

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

Date Mailed: December 20, 2024  
MOAHR Docket No.: 24-012974  
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 December 19, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP), Medical Assistance (MA), and Medicare Savings Program (MSP) cases?

**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 was an ongoing recipient of FAP, MA, and MSP benefits.
2. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was reviewed. On or around September 30, 2024, Petitioner submitted a redetermination to the Department. (Exhibit A, pp. 6-10)
3. On or around October 7, 2024, the Department sent Petitioner a Verification Checklist (VCL) for her FAP case instructing her to submit verification of her unearned income from Retirement Survivors Disability Insurance (RSDI) by October 17, 2024. The VCL informed Petitioner that she could submit an award letter as verification. (Exhibit A, pp. 11-13)
4. The Department asserted that because changes were reported on Petitioner's FAP redetermination, this triggered a review of her MA and MSP eligibility.

5. On or around October 18, 2024, the Department sent Petitioner a Verification Checklist (VCL) for her MA and MSP case instructing her to submit verification of her unearned income from RSDI and any tax credit refund by October 28, 2024. (Exhibit A, pp. 14-15)
6. On or around October 18, 2024, the Department sent Petitioner a Notice of Case Action, advising that effective November 1, 2024, her FAP case would be closed because she failed to submit verification of unearned income. (Exhibit A, pp.16-20)
7. On or around October 29, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that effective November 1, 2024, she was ineligible for MA and MSP benefits. (Exhibit B)
8. On or around November 18, 2024, Petitioner requested a hearing disputing the Department's actions regarding the FAP, MA, and MSP cases. (Exhibit A, pp. 3-5)

### **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 disputed the closure of her FAP, MA, and MSP cases effective November 1, 2024.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2024), 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. Although the client must obtain the required verification, the Department must assist if a client needs

and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, pp. 3-4.

For FAP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. 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, pp. 7-8. At redetermination, verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. The VCL should be sent after the redetermination interview for any missing verifications, allowing 10 days for their return. BAM 210 (October 2024), pp. 17-18.

For MA cases, clients are given 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, pp. 7-9. If the client cannot provide the verification despite a reasonable effort, the Department is to extend the time limit to submit the verifications up to two times. BAM 130, pp. 7-9. Verifications are considered to be timely if received by the date they are due. BAM 130, pp. 7-9. The Department will send a negative action notice when the client indicates refusal to provide a verification, or the time period given has lapsed. BAM 130, pp. 8-9.

Additionally, the Department is to verify all non-excluded income at redetermination and will use available electronic methods (for example consolidated inquiry or SOLQ) to verify income. However, when electronic verification is not available, the client has the primary responsibility for obtaining verifications. BEM 503 (October 2024), pp. 44.

At the hearing, the Department representative testified that Petitioner's FAP eligibility was due for review and Petitioner timely submitted a redetermination on September 30, 2024. The Department representative testified that the Department was unable to retrieve proof of Petitioner's unearned income from RSDI by using the SOLQ and thus, the October 7, 2024, VCL was issued, instructing Petitioner to submit verification of her RSDI by October 17, 2024. The Department representative testified that based on information submitted with Petitioner's FAP redetermination, a review of Petitioner's MA and MSP eligibility was triggered. The Department sent Petitioner a second VCL on October 18, 2024, instructing her to submit proof of her RSDI and tax refund by October 28, 2024, in order to determine her current MA and MSP eligibility.

The Department representative testified that because Petitioner failed to submit any verification of her unearned income from RSDI by the October 17, 2024, and October 28, 2024, due dates identified on the VCLs, the Department initiated the closure of her FAP, MA, and MSP cases effective November 1, 2024. There was no evidence that Petitioner requested an extension or additional time to submit the requested verification or that Petitioner requested assistance from the Department in obtaining the verifications that were requested. The Department reviewed Petitioner's electronic case file during the

hearing, and testified that as of the hearing date, the requested verifications had not been submitted.

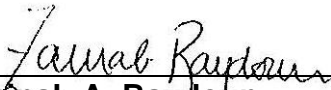
Petitioner testified that she did not recall whether she received the VCLs instructing her to submit requested information to the Department. Petitioner asserted that she called the Department to let them know about her RSDI and asserted that the Department was aware of all of her income and expenses. Petitioner testified that she did not receive the notices advising her of the case closures, and found out that her FAP case was closed because there were no food benefits on her card available for use. Although Petitioner presented an RSDI award letter during the hearing, Petitioner did not dispute that she failed to provide written verification of her unearned income to the Department before the effective date of case closure, November 1, 2024.

Upon review, notwithstanding Petitioner's testimony during the hearing, because Petitioner failed to submit any verification of her unearned income to the Department, 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 acted in accordance with Department policy when it closed Petitioner's FAP, MA, and MSP cases. Petitioner is advised that she is entitled to submit a new application for FAP, MA, and MSP benefits and her current eligibility will be determined.

#### **DECISION AND ORDER**

Accordingly, the Department's FAP, MA, and MSP decisions are **AFFIRMED**.

ZB/ml

  
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**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**

Tracey Jones  
Oakland County Southfield District III  
25620 W. 8 Mile Rd  
Southfield, MI 48033  
**MDHHS-Oakland-6303-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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