



Date Mailed: April 17, 2025

Docket No.: 25-010801

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 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 via telephone conference on April 9, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Kevyn Sawdon, Eligibility Specialist (ES) and Co-Hearings Facilitator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-47.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) and Food Assistance Program (FAP) benefit cases based on a failure to provide requested verification?

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 receiving MA under the Healthy Michigan Plan (MA-HMP) and FAP benefits. (Exhibit A, p. 3)

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2. On [REDACTED] 2024, Petitioner applied for MA, FAP, and other benefits. Petitioner reported that he had income from self-employment. (Exhibit A, pp. 9-22)
 3. On December 4, 2024, a Verification Checklist was issued to Petitioner requesting verification of self-employment income with a due date of December 16, 2024. Self-Employment Income and Expense Statement forms were also sent to Petitioner to complete. (Exhibit A, pp. 23-25 and 30-35)
 4. On December 27, 2024, a Notice of Case Action was issued to Petitioner stating FAP benefits were denied effective February 1, 2025 based on a failure to provide requested verification. (Exhibit A, pp. 38-41)
 5. On December 27, 2024, a Health Care Coverage Determination Notice was issued to Petitioner stating MA benefits were denied effective February 1, 2025 based on a failure to provide requested verification. (Exhibit A, pp. 42-44)
 6. On March 18, 2025, Petitioner filed a hearing request contesting the FAP and MA closures. (Exhibit A, pp. 5-7)

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 general, verification is to be obtained when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and

the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, May 1, 2024, pp. 1-4.

For FAP, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. The Department is to send a case action notice when the client indicates refusal to provide a verification, or the time-period given has elapsed and the client has not made a reasonable effort to provide it. For FAP if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the Department is to assist the client with the verifications but not grant an extension. The Department is to explain to the client they will not be given an extension and their case will be denied once the Verification Checklist due date is passed. Also, their eligibility will be determined based on their compliance date if they return required verifications. The Department is to reregister the application if the client complies within 60 days of the application date. BAM 130, pp. 7-8.

For MA, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the Department can extend the time limit up to two times when specific conditions are met. These conditions include that the customer/authorized representative need to make the request. An extension should not automatically be given. Verifications are considered timely if received by the date they are due. The Department is to send a case action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, pp. 8-9

In this case, Petitioner was receiving MA under the Healthy Michigan Plan (MA-HMP) and FAP benefits. (Exhibit A, p. 3).

On [REDACTED] 2024, Petitioner applied for MA, FAP, and other benefits. Petitioner reported that he had income from self-employment. (Exhibit A, pp. 9-22). Because Petitioner was already receiving MA-HMP and FAP benefits, the application was reviewed for any changes that may affect eligibility for these programs. (Exhibit A, p. 3)

On December 4, 2024, a Verification Checklist was issued to Petitioner requesting verification of self-employment income with a due date of December 16, 2024. Self-Employment Income and Expense Statement forms were also sent to Petitioner to complete. (Exhibit A, pp. 23-25 and 30-35). However, Petitioner did provide the requested verification of self-employment income. Accordingly, on December 27, 2024, written notices were issued to Petitioner stating FAP and MA benefits were denied effective February 1, 2025 based on the failure to provide requested verification. (Exhibit A, pp. 38-44).

Petitioner testified that he was not working. Petitioner indicated that he has been disabled since [REDACTED]. Petitioner was receiving total disability through workman's compensation, then was found disabled by the Social Security Administration. Petitioner has difficulties with paperwork due to a brain injury and eyesight problems. Petitioner indicated he made a mistake on the application form and did not actually have self-employment income. (Petitioner Testimony).

Overall, the evidence supports the Department's determinations to deny FAP and MA benefits based on the failure to provide requested verifications. The requested verifications were not submitted by the due dates and there was no evidence that Petitioner contacted the Department to request assistance with obtaining the verifications, or for MA an extension, or explain that he made a mistake and did not have self-employment income by the due dates. Accordingly, the denial of ongoing FAP and MA benefits was in accordance with the BAM 130 policy.

As discussed, Petitioner may wish to reapply and request assistance from the local Department office or to have someone act as an authorized representative to assist him with the application process.

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 acted in accordance with Department policy when it closed Petitioner's MA and FAP benefit cases based on a failure to provide requested verification.

Accordingly, the Department's decision is **AFFIRMED**.



COLLEEN LACK
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

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Interested Parties

EQAD HEARINGS
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Via First Class Mail:

Petitioner

