



Date Mailed: May 20, 2025

Docket No.: 25-014619

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।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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

[REDACTED] MI [REDACTED]

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Petitioner: [REDACTED]

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 May 14, 2025. Petitioner appeared for the hearing with her husband [REDACTED] who served as representative. A representative from the Michigan Department of Health and Human Services (MDHHS or Department) did not appear for the hearing and it was held in the absence of the Department.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) 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 and her household members were ongoing recipients of FAP and MA benefits.
2. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was reviewed.
3. Petitioner's FAP case was closed effective December 1, 2024. Petitioner requested a hearing to dispute the case closure. The hearing request was assigned MOAHR Docket No. 25-001673. In a Hearing Decision issued on or around February 14, 2025, the action to close Petitioner's FAP case was reversed and the Department was ordered to redetermine Petitioner's FAP eligibility effective December 1, 2024.
4. On or around April 15, 2025, the Department sent Petitioner a Notice of Case Action advising that effective December 1, 2024, her FAP case would be closed.

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5. On or around April 16, 2025, Petitioner requested a hearing disputing the Department's actions with respect to the FAP and MA program.
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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 Department's actions with respect to the FAP and MA programs. The undersigned read the Hearing Summary prepared by the Department in response to Petitioner's request for hearing into the hearing record. According to the Hearing Summary, the Department was ordered to reprocess Petitioner's FAP redetermination following a hearing held in February 2025. The Department then sent Petitioner a Notice of Case Action on April 15, 2025, advising of a case closure because she failed to return requested verifications. The Hearing Summary indicates that Petitioner's MA benefits are pending for proof of income.

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.

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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.

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.

Petitioner's husband testified that the household's FAP case has been closed since December 2024. Petitioner's husband explained that due to a language barrier, there was miscommunication between the Department and Petitioner regarding the income in the household. Petitioner's husband testified that he worked for [REDACTED] from January 2023 through September 2023. He stated that he traveled to Egypt to have surgery in October 2023 where he stayed until May 2024. Petitioner's husband testified that he worked for [REDACTED] from May 2024 until September 2024 and that afterwards, he went to Egypt for follow up care after his surgery, where he currently remains. Petitioner's husband stated that he receives a 1099-C from [REDACTED] and that Petitioner has provided the Department with verification of income including a tax return. With respect to unearned income that was referenced in the Hearing Summary, Petitioner's husband testified that in 2023, the household received a back payment of unemployment benefits in the amount of \$1,392 that was owed to them from the time of the COVID pandemic. He testified that they went through the unemployment hearing process and were determined eligible for the unemployment benefits that were received in 2023.

Although the Hearing Summary was read into the record, the Department was not present for the hearing and thus did not present any evidence in support of the processing of Petitioner's FAP and MA eligibility. There was no evidence presented regarding the actions taken by the Department in reprocessing the redetermination as ordered in the previous Hearing Decision. Because the Department was not present for the hearing, there was no evidence presented in support of its determination that Petitioner was ineligible for FAP benefits effective December 1, 2024. There was also insufficient evidence presented regarding the MA eligibility for the household members or the effective date of any case closure. Thus, the Department will be ordered to reinstate the MA cases, if closed, and to provide coverage if eligible.


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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case effective December 1, 2024, and when it processed Petitioner's MA eligibility.

Accordingly, the Department's FAP and MA decision is **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. Reinstate Petitioner's FAP case effective December 1, 2024, and redetermine FAP eligibility from December 1, 2024, ongoing;
2. Issue FAP supplements to Petitioner for any benefits the household was eligible to receive but did not from December 1, 2024, ongoing, in accordance with Department policy;
3. If closed, reinstate MA benefits for Petitioner and her household members and provide Petitioner and her household members with MA coverage under the most beneficial category that they were entitled to receive, but did not, from the date of case closure, ongoing; and
4. Notify Petitioner in writing of its decisions.



ZAINAB A BAYDOUN
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:

Respondent

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Interested Parties

BSC4
B CABANAW
M HOLDEN
M SCHAEFER
EQAD
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
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