



**Date Mailed:** December 26, 2025  
**Docket No.:** 25-042941  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED] MI [REDACTED]

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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.

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**Case No.:** [REDACTED]

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### **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 December 18, 2025. Petitioner appeared with his Authorized Hearing Representative (AHR) [REDACTED]. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Becky Fraser, Family Independence Manager.

### **ISSUE**

Did the Department properly process Petitioner's application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits?

### **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 [REDACTED] 2025, Petitioner submitted an application for MA and FAP benefits (Exhibit A, pp. 38-45).
2. On November 17, 2025, Petitioner submitted verification of his income and housing expense.
3. On November 19, 2025, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of his assets, third party resources and income.
4. On November 28, 2025, Petitioner submitted the requested verifications.
5. Petitioner submitted a request for hearing disputing the Department's actions.
6. As of the date of the hearing, Petitioner's FAP and MA application was pending.

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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 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 submitted an application for MA and FAP benefits on [REDACTED] 2025. Petitioner submitted verification of his income and housing expense. The Department needed additional verifications, and as a result, sent a VCL requesting proof of his income, assets and third-party resources. The VCL due date was December 1, 2025. The Department conceded that Petitioner submitted verifications on November 28, 2025, that had not yet been acted upon.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2025), p. 15. For MA cases, the Department must certify program approval or denial of the application within 45 days. BAM 115, p. 16. Exceptions include: (i) 15 days for all pregnant MA applicants; (ii) 30 days for Refugee Medical Assistance (RMA) applicants; (iv) 90 days for MA categories in which disability is an eligibility factor. BAM 115, pp. 16-17. The SOP can be extended 60 days from the date of deferral by DDS. BAM 115, p. 17. For regular FAP application, the SOP is 30 days. BAM 115, p. 16.

The Department testified that as of the date of the hearing, Petitioner's application for MA and FAP benefits was pending. It was unclear as to why the application was still pending or why the Department had not yet acted upon the submitted verifications. The SOP had not yet been exceeded for the MA case. However, the FAP benefit application was beyond the SOP. Therefore, the Department did not act in accordance with policy when it failed to process Petitioner's FAP benefit application.

## **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 failed to process Petitioner's FAP application.

Accordingly, the Department's 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. Process Petitioner's [REDACTED] 2025 application;
2. If Petitioner is eligible for FAP benefits, issue supplements he is entitled to receive; and
3. Notify Petitioner and Petitioner's AHR of its decision in writing.



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**ELLEN MCLEMORE**  
**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](mailto: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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