



Date Mailed: February 13, 2026

Docket No.: 25-048449

Case No.: [REDACTED]

Petitioner: [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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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 February 11, 2026. Petitioner appeared and was unrepresented. Dina Begum appeared as Bengali interpreter for Petitioner. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Brandy Brown, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medicaid (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. Petitioner was an ongoing recipient of MA Healthy Michigan Plan (HMP).
2. Petitioner is [REDACTED] years old. Exhibit A, p. 28.
3. Petitioner is married to [REDACTED] (Spouse). Exhibit A, p. 28.
4. On November [REDACTED] 2025, the Department received Petitioner's redetermination for MA. Exhibit A, pp. 26-33.
5. On November [REDACTED] 2025, the Department received a letter from Petitioner that indicated Petitioner would be out of the country in Bangladesh from November 22, 2025 to December 27, 2025 due to a family emergency. Exhibit A, p. 38.
6. While out of the country, Petitioner had a medical emergency that required him to stay in Bangladesh until January 30, 2026.
7. On December [REDACTED] 2025, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) that informed Petitioner he was no longer eligible for MA coverage effective January 1, 2026 ongoing because he did not meet program requirements. Exhibit A, pp. 22-25.

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8. On December █ 2025, the Department sent Spouse a Notice of Case Action (NOCA), that indicated FAP benefits were denied because a verification of income was not returned.
 9. On December 29, 2025, the Department received Petitioner's request for hearing that disputed the closure of his MA coverage and FAP. Exhibit A, pp. 3-14.
 10. On January █ 2026, Petitioner returned to Michigan.

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).

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 disputed the closure of his MA coverage. Although the Department indicated that it reinstated Petitioner's HMP coverage effective February 1, 2026 ongoing, Petitioner disputed the lapse in MA coverage for the month of January 2026. The Department explained that it closed Petitioner's HMP coverage from January 1 to January 31, 2026 because he was absent from the State of Michigan for more than 30 days.

Because Petitioner is █ years old and not receiving Medicare, he is potentially eligible for MA coverage under full coverage HMP. HMP is a Modified Adjusted Gross Income (MAGI)-related MA category that provides MA coverage to individuals who (i) are 19 to 64 years of age; (ii) have income under the MAGI methodology at or below 133% of the federal poverty level (FPL); (iii) do not qualify for or are not enrolled in Medicare; (iv) do not qualify for or are not enrolled in other MA programs; (v) are not pregnant at the time of application; and (vi) *are residents of the State of Michigan*. BEM 137, p. 1; 42 CFR 435.603 (emphasis added).

To be eligible for MA coverage, a person must be a Michigan resident. The Department uses the requirements in BEM 220 to determine if a person is a Michigan resident. BEM 220 (February 2026), p. 1. A Michigan resident is an individual who is living in Michigan

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except for a temporary absence. BEM 220, p. 2. Residency continues for an individual who is temporarily absent from Michigan *or intends to return to Michigan when the purpose of the absence has been accomplished*. BEM 220, p. 2 (emphasis added). For example, individuals who spend the winter months in a warmer climate and return to their home in the spring remain Michigan residents during the winter months. BEM 220, p. 2.

Here, the Department testified that although the HCCDN provided that Petitioner's MA closed because he failed to return his redetermination, the Department closed his MA because Petitioner reported he was absent from the State of Michigan for more than 30 days. The Department explained that Petitioner was not eligible for MA coverage based on this absence. However, policy provides that Michigan residency continues for an individual who is temporarily absent from Michigan *or intends to return to Michigan when the purpose of the absence has been accomplished*. Petitioner gave the Department a written explanation that he was going to Bangladesh for a family emergency and provided his travel dates, including his return date to Michigan. While his return date was extended due to illness, Petitioner also provided documentation to the Department with his updated return date. Exhibit A, p. 51. Because an individual's Michigan residency continues when the individual intends to return to Michigan and Petitioner notified the Department of his intent to return and return date, the Department did not act in accordance with Department policy when it closed Petitioner's HMP coverage when he was absent from Michigan for more than 30 days.

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's request for hearing also disputed the closure FAP benefits. The Department testified that Spouse had FAP benefits and the benefits were certified closed on or about December 23, 2025.

The Department's Hearing Summary packet included no documentation regarding FAP benefits and the Department acknowledged this was an oversight. Thus, there was insufficient evidence to determine whether the Department's decision to close FAP benefits was made in accordance with policy. Accordingly, the Department failed to meet its burden of establishing that it properly closed Spouse's FAP benefits.

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 did not

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act in accordance with Department policy when it determined Petitioner's eligibility for MA coverage and closed Spouse's FAP benefits.
Accordingly, the Department's decisions regarding **MA** and **FAP** 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. Reinstate Petitioner's HMP coverage for January 1 to January 31, 2026;
2. Redetermine Spouse's eligibility for FAP benefits from the effective date in the December 23, 2025 NOCA ongoing;
3. If Spouse is eligible for FAP benefits, supplement Spouse for FAP benefits she is eligible to receive from the effective date in the December 23, 2025 NOCA ongoing; and
4. Notify Petitioner of its decisions in writing.



JULIA NORTON
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://irs.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**

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- 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
WAYNE-HAMTRAMCK-DHHS
12140 JOSEPH CAMPAU
HAMTRAMCK, MI 48212
**MDHHS-WAYNE-55-
HEARINGS@MICHIGAN.GOV**



Via First Class Mail:

