### STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

### IN THE MATTER OF:



Reg. No.:2011-37943Issue No.:2006Case No.:Issue No.:Hearing Date:March 29, 2012County:MA Spec Process

# ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

# **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on March 29, 2012, from Lansing, Michigan. Claimant personally appeared and pr ovided testimony. Participants on behalf of Department of Human Services (Department) included

#### ISSUE

Due to a failure to comply with the ve rification requirements, did the Department properly and deny Claimant's application close Claimant's case reduce Claimant's benefits for:

Γ	ĺ

Family Independence Program (FIP)?

Food Assistance Program (FAP)?

Medical Assistance (MA Interim)?

State Disability Assistance (SDA)?
Child Development and Care (CDC)?

# FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantia I evidence on the whole record, including testimony of witnesses, finds as material fact:

- 2. Cla imant 🖾 was 🔲 was not provided with a Medi caid Settlement Agreement Supplemental Questionnaire (DHS-1011-A).

#### 2011-37943/CAP

- 3. Claimant was required to submit requested verification by May 31, 2011.
- 4. The Department inadv ertently opened up an Interim MA case f or Claimant despit e the fact that Claimant was already active for MA.
- 5. On June 9, 2011, the Department

denied Claimant's application

 $\boxtimes$  closed Claimant's Interim MA case

reduced Claimant's benefits

for failure to submit verification in a timely manner.

- 6. On June 9, 2011, the Department sent notice of the
  - denial of Claimant's application.

 $\boxtimes$  closure of Claimant's Interim MA case.

reduction of Claimant's benefits.

7. On June 6, 2011, Claimant filed a hearing request, protesting the ☐ denial. ☐ closure of the Interim MA case. ☐ reduction.

### CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and 1997 AACS R 400.3101-3131. FI P replac ed the Aid to Depe ndent Children (ADC) program effective October 1, 1996.

☐ The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) program] is establis hed by the Food St amp Act of 1977, as amend ed, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independenc e Agency) administers FAP pur suant to MCL 400. 10, *et seq*., and 1997 AACS R 400.3001-3015

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) progr am which provides financial as sistance for disabled persons is established by 2004 PA 344. The Depart ment (formerly known

as the F amily Independence Agency) admini sters the SDA program pursuant to M CL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

☐ The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE and XX of the Soc ial Security Act, the Ch ild Care and Developm ent Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Fede ral Regulations, Parts 98 and 99. T he Department provides servic es to adult s and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

Additionally, concurrent receipt of benefits means as sistance received from multiple programs to cover a person's needs for the same time period. BEM 222. Claimant's Interim MA case was properly denied because he was active for MA (MA Group 2) at the time. Accordingly, the Depart ment properly closed and/or denied Claimant's Interim MA case.

 $\boxtimes$  closed Claimant's Interim MA case.

denied Claimant's application.

reduced Claimant's benefits.

### DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department  $\square$  did act properly.  $\square$  did not act properly.

Accordingly, the Depar tment's decision is	REVERSED for the
reasons stated on the record.	

/s/

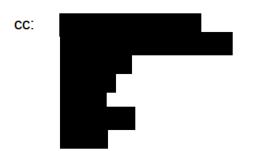
C. Adam Purnell Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: <u>4/2/12</u>

Date Mailed: <u>4/2/12</u>

**NOTICE**: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.



CAP/ds