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

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Reg. No.: 2011-42225

Issue No.: 3019

Case No.:

Hearing Date: September 8, 2011 County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

# **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an inperson hearing was held on September 8, 2011, from Madison Heights, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included

### ISSUE

Did the Department properly   deny Claim for:	nant's application 🛛 close Claimant's case
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?	<ul><li>☐ Adult Medical Assistance (AMP)?</li><li>☐ State Disability Assistance (SDA)?</li><li>☐ Child Development and Care (CDC)?</li></ul>

### FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1.	Claimant	applied	for benefits	X	received	benefits	for:
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	Family Independence Program (FIP).	Adult Medical Assistance (AMP).
$\times$	Food Assistance Program (FAP).	☐ State Disability Assistance (SDA).
	Medical Assistance (MA).	☐ Child Development and Care (CDC).

2.	On July 5, 2011, the Department   denied Claimant's application closed Claimant's case due to no longer eligible for FAP.
3.	On July 5, 2011, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.
4.	On July 8, 2011, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	partment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag 31	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, <i>et seq.</i> The Department (formerly known as the Family Independence ency) administers FIP pursuant to MCL 400.10, <i>et seq.</i> , and 1997 AACS R 400.3101-31. FIP replaced the Aid to Dependent Children (ADC) program effective stober 1, 1996.
pro imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1997 AACS R 0.3001-3015.
Se Th Ag	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department of Human Services (formerly known as the Family Independence ency) administers the MA program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 0.105.
ad	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.
for Se	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human rvices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 1998-2000 AACS R 400.3151-400.3180.
	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development 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 Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

Additionally, the Claimant appealed the closure of her FAP benefits. The Department determined based upon the Claimant's statement that the Claimant was attending college full-time. The Department utilized policy regarding college attendance half time or more in determining the Claimant no longer eligible for benefits. The Claimant fails to meet any exception to allow continuance of FAP benefits.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department
<ul> <li>□ properly denied Claimant's application</li> <li>□ improperly denied Claimant's application</li> <li>□ improperly closed Claimant's case</li> <li>□ improperly closed Claimant's case</li> </ul>
for:
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 \infty \text{did act properly.}  \text{did not act properly.}
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ FAP $\square$ MA $\square$ SDA $\square$ CDC decision is $\boxtimes$ AFFIRMED $\square$ REVERSED for the reasons stated on the record.

'Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Jonathan W. Owens

Date Signed: September 14, 2011

Date Mailed: September 14, 2011

**NOTICE**: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
  of the original hearing decision.
- A reconsideration MAY be granted for any of the following reasons:
- · misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant;
- · the failure of the ALJ to address other relevant issues in the hearing decision

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

# JWO/pf

