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

IN THE MATTER OF:



Reg. No.:201144147Issue No.:2013Case No.:Image: Case No.:Hearing Date:September 7, 2011County:Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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, a telephone hearing was held on September 7, 2011 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, **Detroit** Participants on behalf of Department of Human Services (Department) included **Example 1**, ES, and FIM.

<u>ISSUE</u>

Due to excess income, did the Department properly deny the Claimant's application close Claimant's case reduce Claimant's benefits for:

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Family Independence Program (FIP)?

Food Assistance Program (FAP)?

Medical Assistance (MA)?

Adult Medical Assistance (AMP)?

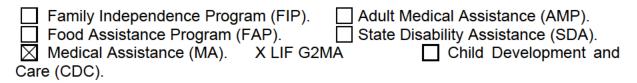
State Disability Assistance (SDA)?

Child Development and Care (CDC)?

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 for: received benefits for:



- On July 1, 2011, the Department denied Claimant's application denied Claimant's case reduced Claimant's benefits due to excess income.
- On June 3, 2011, the Department sent
 X Claimant
 Claimant's Authorized Representative (AR)
 notice of the
 denial.
 Closure.
 reduction.
- 4. On June 13, 2011, Claimant or Claimant's AHR filed a hearing request, protesting the

 \Box denial of the application. \Box closure of the case. \Box reduction of benefits.

CONCLUSIONS OF LAW

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

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3001-3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program 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 and 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 Department closed the Claimant's Low Income Family Group 2 caretaker relative (LIF GP2) medical assistance due to excess income. The Department prepared a MA budget and correctly determined that for the month of May 2011 the Claimant received the following income: on both May 2, 2011 and May 16, 2011 the Claimant received unemployment compensation bi weekly benefits of \$728 for a total of \$1448 which exceeded the need standard of \$413. Exhibit 1. The low income family need limit is established by department policy in RFT 243. The Claimant confirmed that the income used by the Department to make its determination was correct.

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, due to excess income, the Department

denied Claimant's application

reduced Claimant's benefits

 \boxtimes closed Claimant's case

for:	🗌 AMP 🗌] FIP 🗌] FAP 🖂	MA 🗌	SDA 🗌] CDC.
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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 id act properly when it closed the Claimant Medical Assistance Case. id id not act properly.

Accordingly, the Department's \square AMP \square FIP \square FAP \boxtimes MA \square SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

Lynn M. Ferris

Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: <u>September 9, 2011</u>

Date Mailed: September 9, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision 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.

LMF/hw

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