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

IN	JΤ	HF	MΔ	T	ΓER	O	F٠
						_	

	Reg. No.: Issue Nos.: Case No.: Hearing Date: County:	2011-45540 1033, 2024, 3025 September 8, 2011 Wayne (82-19)
ADMINISTRATIVE LAW JUDGE: Jan Lever	iter	
HEARING D	ECISION	
This matter is before the undersigned Admini- and MCL 400.37 following Claimant's requ telephone hearing was held on September 8, on behalf of Claimant included Claimant an Department of Human Services (Depar	uest for a hearing.  2011, from Detroit, M  d Parti	After due notice, a
ISSU	<u>JE</u>	
Did the Department properly $igtimes$ deny Claima for:	ant's application 🔲 cl	lose Claimant's case
<ul><li>☐ Family Independence Program (FIP)?</li><li>☐ Food Assistance Program (FAP)?</li><li>☐ Medical Assistance (MA)?</li></ul>		sistance (AMP)? assistance (SDA)? ent and Care (CDC)?
FINDINGS (	OF FACT	
The Administrative Law Judge, based on evidence on the whole record, finds as materi	•	rial, and substantial
Claimant ⊠ applied for benefits □ receive	ed benefits for:	
<ul> <li>☐ Family Independence Program (FIP).</li> <li>☐ Food Assistance Program (FAP).</li> <li>☐ Medical Assistance (MA).</li> </ul>	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).

2.	On July 16, 2011, the Department denied Claimant's application closed Claimant's case due to Claimant's status as a permanent resident alien in the United States for less than five years.
3.	On July 16, 2011, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.
4.	On July 26, 2011, Claimant filed a hearing request, protesting the ⊠ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	epartment 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 esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., 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 egulations (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 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, Claimant is also eligible for MA emergency medical care benefits for himself and his family. The Department is PARTIALLY REVERSED to the extent that it shall provide MA emergency medical benefits to Claimant and his family. The Department is PARTIALLY AFFIRMED, as it acted correctly in all other respects
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         □ properly closed Claimant's case         □ improperly closed Claimant's case</li></ul>
for: ☐ AMP ☒ FIP ☒ FAP ☒ MA ☐ SDA ☐ CDC.
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 $\boxtimes$ did act properly. $\boxtimes$ did not act properly.
Accordingly, the Department's $\square$ AMP $\boxtimes$ FIP $\boxtimes$ FAP $\boxtimes$ MA $\square$ SDA $\square$ CDC decision is $\boxtimes$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.
☑ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
<ol> <li>Initiate procedures to approve and begin MA emergency medical benefits for Claimant and his family.</li> </ol>
Jan Leventer Administrative Law Judge for Maura Corrigan, Director Department of Human Services
Date Signed: September 12, 2011
Date Mailed: Sentember 12, 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.

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

## JL/pf

