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

		R OF.

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201149550 2012 November 21, 2011 Macomb County DHS (20)			
ADMINISTRATIVE LAW JUDGE: Andrea J. Bra	dley				
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 selephone hearing was held on November 21, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's authorized hearing representative (AHR), Participants on behalf of Department of Human Services (Department) included Eligibility Specialist.					
<u>ISSUE</u>					
Did the Department properly ⊠ deny Claimant's application ☐ close Claimant's case for:					
Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)?	_	sistance (AMP)? assistance (SDA)? ent 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:					
Claimant ⊠ applied for benefits □ received benefits for:					
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA). ☐	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).			

- 2. The Department has not notified the Claimant's AHR of an approval or denial of the application.
- 3. On July 19, 2011, Claimant filed a hearing request, protesting the failure to process the application.

CONCLUSIONS OF LAW

OCHOEGOIONO OF LAW
Department policies are contained 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 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 1999 AC, Rule 400.3101 through Rule 400.3131. 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, <i>et seq.</i> , and 1999 AC, Rule 400.3001 through Rule 400.3015.
☑ 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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 400.105.
☐ 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 State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 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 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, the Department testified that the Claimant's application was denied based on the Claimant being in noncompliance with the Office of Child Support (OCS). The Department failed to produce any evidence that Claimant was in non-compliance with OCS and also failed to produce any evidence that the application was ever processed and denied. Specifically, there was no evidence that a Notice of Case Action was issued and no evidence that any Verification Checklists were issued. In sum, the Department has failed to establish that it acted in accordance with policy in processing this application.

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
☐ properly denied Claimant's application ☐ improperly denied Claimant's application ☐ properly closed Claimant's case ☐ improperly failed to process the Claimant's application
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 did act properly. did not act properly.
Accordingly, the Department's \square AMP \square FIP \square FAP \boxtimes MA \square SDA \square CDC decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.
$oxed{\boxtimes}$ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
1. The Department shall register the Claimant's November 24, 2010 application in

2. The Department shall notify the Claimant's AHR of the application decision in

3. The Department shall supplement the Claimant for lost benefits he was eligible and otherwise qualified to receive based on the November 24, 2010 application for MA

accordance with Department policy.

accordance with Department policy.

benefits.

Andrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/15/11

Date Mailed: 12/15/11

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. (60 days for FAP cases)

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

AJB/hw

