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

IN THE MATTER OF:			
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2011-50203 3015 September 26, 2011 Oakland (63-03)	
ADMINISTRATIVE LAW JUDGE: Jan Leventer			
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 26, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and on behalf of Department of Human Services (Department) included.			
<u>ISSUE</u>			
Did the Department properly \square deny Claimant's application \boxtimes close Claimant's case for:			
Food Assistance Program (FAP)?		sistance (AMP)? ssistance (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:			
1 Claimant ☐ applied for benefits ☒ received benefits for:			

Adult Medical Assistance (AMP).

State Disability Assistance (SDA).

Child Development and Care (CDC).

Family Independence Program (FIP).

Food Assistance Program (FAP).

Medical Assistance (MA).

2.	On March 1, 2011, the Department denied Claimant's application closed Claimant's case due to family income above the limit allowable in order to receive FAP benefits
3.	On April 30, 2011, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
4.	On May 4, 2011, and June 7, 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 thr	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 lency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro im 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 lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.
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, et seq., and MCL 0.105.
	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 pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human ervices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, Rule 400.3151 through alle 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, at the Administrative Hearing, the Department presented no evidence to establish that Claimant's income was properly calculated. Claimant gave credible and unrebutted testimony that the Department erred in that it calculated two consecutive sources of income as concurrent sources of income, thereby overstating her income and disqualifying her in error from 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			
☐ properly denied Claimant's application ☐ improperly denied Claimant's application ☐ properly closed Claimant's case ☐ improperly closed Claimant's case			
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.			
Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.			
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:			
 Initiate procedures to recalculate Claimant's eligibility for FAP benefits as of March 1, 2011, to the present; Initiate procedures to provide supplemental retroactive FAP benefits to Claimant as of March 1, 2011, to the present, as appropriate using correct calculations; 			
Initiate procedures to provide the correct FAP benefit level to Claimant on an ongoing basis as of the date of this Order.			
Jan Leventer			
Administrative Law Judge for Maura Corrigan, Director			
Department of Human Services			

Date Signed: September 27, 2011

Date Mailed: September 27, 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. (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

JL/pf

