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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201151208 3000, 2006 October 19, 2011 Oakland DHS (03)
ADMINISTRATIVE LAW JUDGE: Christian Gare	docki	
HEARING DEC	ISION	
This matter is before the undersigned Administra and MCL 400.37 following Claimant's request telephone hearing was held on October 19, 201 on behalf of Claimant included Claimant. Par Human Services (Department) included	for a hearing. 1, from Detroit, Mi	After due notice, a chigan. Participants If of Department of
ISSUE		
Due to a failure to comply with the verification properly \square deny Claimant's application \boxtimes close benefits for:		
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		ssistance (SDA)? nt and Care (CDC)?
FINDINGS OF	FACT	
The Administrative Law Judge, based upon the evidence on the whole record, including testimon	•	-
Claimant ☐ applied for ☒ was receiving: ☐	FIP ⊠FAP ⊠MA [□SDA □CDC.
2. Claimant ⊠ was ☐ was not provided with a \	erification Checkli	st (DHS-3503).
3. Claimant was required to submit requested ve	rification by unspe	cified dates.

 4. On 6/11/11, the Department ☐ denied Claimant's application ☐ closed Claimant's case ☐ reduced Claimant's benefits for failure to submit verification in a timely manner. 	
 5. On 6/11/11, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits. 	
 On 6/22/11, Claimant filed a hearing request, protesting the ☐ denial.	
CONCLUSIONS OF LAW	
Department policies are found in the Bridges Administrative Manual (BAM), the Eligibility Manual (BEM) and the Reference Tables Manual (RFT).	e Bridges
☐ The Family Independence Program (FIP) was established pursuant to the Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 42 USC 601, et seq. The Department (formerly known as the Family Index Agency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC effective October 1, 1996.	/ 104-193, ependence e 400.3101
Microscopic National	d, and is of Federal pendence
☐ The Medical Assistance (MA) program is established by the Title XIX of Security Act and is implemented by Title 42 of the Code of Federal Regulation The Department (formerly known as the Family Independence Agency) admit MA program pursuant to MCL 400.10, et seq., and MCL 400.105.	ns (CFR).
☐ The State Disability Assistance (SDA) program which provides financial a for disabled persons is established by 2004 PA 344. The Department (former as the Family Independence Agency) administers the SDA program pursua 400.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.	erly known
☐ The Child Development and Care (CDC) program is established by Titles and XX of the Social Security Act, the Child Care and Development Block 1990, and the Personal Responsibility and Work Opportunity Reconciliation Ac	Grant of

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.

BAM 600 contains the DHS policy for administrative hearings including the client deadline to file a hearing request. Generally, clients have 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 at 4. Concerning FAP benefits, a client may request a hearing disputing the current level of benefits at any time within the benefit period. Id.

Claimant disputed a termination of FAP benefits from 8/2009. Claimant requested a hearing on 6/22/11, nearly two years following the termination. Claimant's hearing request was untimely concerning his dispute of FAP benefit termination and is properly dismissed.

Claimant also disputed a termination of MA benefits. It was not disputed that DHS requested required verifications of his spouse's identity, his spouse's income and his assets. It was not disputed that Claimant failed to timely return the verifications. Claimant provided no argument which would have excused his failure to timely return properly requested and required verifications. DHS properly terminated Claimant's MA benefits effective 7/2011as a result.

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 improperly

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 \square did not act properly. \square did not act properly.
Accordingly, the Department's decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.
$\hfill \square$ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

Christin Bordock

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

Date Signed: October 21, 2011

Date Mailed: October 21, 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 receipt 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

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