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

IN THE MAT	TER OF:	Reg. No: Issue No:	201213520 1022, 2018, 3014
		Case No: Hearing Date: Wayne County	January 31, 2012
ADMINISTR	ATIVE LAW JUDGE: Kevin Scu	ılly	
	HEARING D	DECISION	
and MCL 4 telephone he Participants	is before the undersigned Admini 00.37 following Claimant's requesting was held on Tuesday, Ja on behalf of Claimant included of Human Services (Department)	uest for a hearing. Aft anuary 31, 2012, from L Particip	ter due notice, a
	<u>ISSL</u>	<u>JE</u>	
Did the Dep for:	artment properly 🗌 deny Claim	ant's application ⊠ clos	e Claimant's case
☐ Family Independence Program (FIP)?☐ Food Assistance Program (FAP)?☐ Medical Assistance (MA)?		☐ Adult Medical Assis☐ State Disability Assi☐ Child Development	stance (SDÁ)?
	FINDINGS	OF FACT	
	strative Law Judge, based on the whole record, finds as mater	•	, and substantial
1.	Claimant applied for benefindependence Program (FIP). Food Assistance Program (FAI Medical Assistance (MA).	Adult Medical Assis P).	tance (AMP). Assistance (SDA).
2.	The Department reduced the Claimant's Food Assistance Program (FAP) benefits based on his group size of one.		
3.	The Claimant's child was not live through October 9, 2011.	ving in his household fror	n August 7, 2011,

4.	On October 11, 2011, the Department \square denied Claimant's application \boxtimes closed Claimant's case due to his child no longer living in his residence.
5.	On October 11, 2011, the Department sent \square Claimant \square Claimant's Authorized Representative (AR) notice of the \square denial. \square closure.
6.	On November 21, 2011, Claimant filed a hearing request, protesting the \square denial of the application. \boxtimes closure of the case.
	CONCLUSIONS OF LAW
•	policies are contained in the Bridges Administrative Manual (BAM), the bility Manual (BEM), and the Reference Tables Manual (RFT).
Responsibilit 42 USC 601 Agency) adn through Rule	ily Independence Program (FIP) was established pursuant to the Personal cy and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, et seq. The Department (formerly known as the Family Independence ninisters FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 e 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ober 1, 1996.
program] is implemented Regulations	d Assistance Program (FAP) [formerly known as the Food Stamp (FS) established by the Food Stamp Act of 1977, as amended, and is I by the federal regulations contained in Title 7 of the Code of Federal (CFR). The Department (formerly known as the Family Independence ninisters FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 et 400.3015.
Security Act The Departr	ical Assistance (MA) program is established by the Title XIX of the Social and is implemented by Title 42 of the Code of Federal Regulations (CFR). ment of Human Services (formerly known as the Family Independence ministers the MA program pursuant to MCL 400.10, et seq., and MCL
	ult Medical Program (AMP) is established by 42 USC 1315, and is by the Department pursuant to MCL 400.10, et seq.
for disabled Services (fo	e Disability Assistance (SDA) program, which provides financial assistance persons, is established by 2004 PA 344. The Department of Human rmerly known as the Family Independence Agency) administers the SDA suant to MCL 400.10, et seq., and 2000 AACS, R 400.3151 through Rule
	d Development and Care (CDC) program is established by Titles IVA, IVE he 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, R 400.5001 through Rule 400.5015.

Additionally, the Department received notice that the Claimant's child was no longer living in his household. The Claimant does not dispute that his child was out of the household for over 30 days.

The child's mother had denied the Claimant physical custody of the child in violation of a court order granting joint custody to the Claimant and the child's mother. This Administrative Law Judge finds that as a result of the mother's actions, there was no definite plan to return the child to the Claimant's household.

This Administrative Law Judge finds that due to the length of time the child was out of the Claimant's household and the lack of a definite plan for his return, that the child was not temporarily absent from the Claimant's household. Therefore, the Department had acted in accordance with policy when it found the Claimant to be ineligible for Family Independence Program (FIP) and Medical Assistance (MA), and reduced his eligibility for the Food Assistance Program (FAP) based on his household size of one.

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 improperly closed Claimant's case 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. \square did not act properly.			
Accordingly, the Department's \square AMP \boxtimes FIP \boxtimes FAP \boxtimes MA \square SDA \square CDC decision is \boxtimes AFFIRME D \square REVERSED for the reasons stated on the record.			
/s/			
Kevin Scully Administrative Law Judge			
For Maura Corrigan, Director			
Department of Human Services Date Signed: February 2, 2012			

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Date Mailed: February 2, 2012

<u>NOTICE</u>: 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

KS/tb

CC:

