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

IN	TH	MΛ.	TT		\mathbf{a}	
ПV		VI /~		ᄗ		Г.

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-14663 5025 March 21, 2012 Wayne (82-15)				
ADMINISTRATIVE LAW JUDGE: Jan Levent	er					
HEARING DECISION						
This matter is before the undersigned Adminis and MCL 400.37 and Claimant's request for a hearing was held on March 21, 2012, from De Claimant included Claimant. Participants of Services (Department) included	a hearing. After due etroit, Michigan. Part	notice, a telephone				
<u>ISSUE</u>						
Did the Department properly \boxtimes deny Claima for:	nt's application 🗌 cl	ose Claimant's case				
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?	☐ Adult Medical As☐ State Disability A☐ State Emergence	ssistance (SDA)?				
FINDINGS OF FACT						
The Administrative Law Judge, based on the evidence on the whole record, finds as material	•	rial, and substantial				
Claimant ⊠ applied for benefits □ receive	d benefits for:					
☐ Family Independence Program (FIP)☐ Food Assistance Program (FAP).☐ Medical Assistance (MA).	☐ Adult Medical As ☐ State Disability A ☑ State Emergence	ssistance (SDÁ).				

2.	On September 27, 2011, the Department denied Claimant's application closed Claimant's case because the relief requested was more than \$2,000. \$2,000 is the maximum amount of property tax relief available in the State Emergency Relief program.
3.	On September 27, 2011, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
4.	On October 25, 2011, Claimant filed a hearing request, protesting the ⊠ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	partment 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 sponsibility 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 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 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 oblemented by the federal regulations contained in Title 7 of the Code of Federal gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.
Se The 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	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 2000 AACS, Rule 400.3151 through le 400.3180.

⊠ SER was established by 2004 Michigan Public Acts 344. The SER program is administered pursuant to MCL 400.10, <i>et seq.</i> , and MACR 400.7001-400.7049. SER policies and procedures are found in the Emergency Relief Manual (ERM) available online at www.michigan.gov/dhs-manuals .
Additionally, pursuant to ERM 304, "Home Ownership," the Department is required to deny emergency assistance with property taxes when the total amount owing for all of the previous years is more than \$2,000. It is undisputed that the total property taxes owed in this case are \$5,846.63. Claimant seeks Department assistance for the year 2010, which is, by itself, more than \$2,000. It is found and determined that the Department acted correctly in accordance with its policy and procedure.
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 □ 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 \square did act properly. \square did not act properly.
Accordingly, the Department's \square AMP \square FIP \square FAP \square MA \square SDA \boxtimes SER decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.
Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director

Date Signed: March 22, 2012

Date Mailed: March 22, 2012

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)

Department of Human Services

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 <u>MAY</u> 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

