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:	2012-17839 2021 February 29, 2012 Oakland (63-04)
ADMINISTRATIVE LAW JUDGE: Michael J. Ben	nane	
HEARING DECIS	SION	
This matter is before the undersigned Administrati and MCL 400.37 following Claimant's request telephone hearing was held on February 29, 2012 on behalf of Claimant included Claimant. Particip Human Services (Department) included	for a hearing. , from Detroit, Mic	After due notice, a chigan. Participants
ISSUE		
Due to excess assets, did the Department proper close Claimant's case for:	ly 🛚 deny the Cl	aimant's application
☐ Family Independence Program (FIP)? ☐ Medical Assistance (MA)? ☐		Assistance (AMP)? Assistance (SDA)?
FINDINGS OF F	<u>ACT</u>	
The Administrative Law Judge, based on the evidence on the whole record, including the testin fact:		
1. Claimant ⊠ applied for benefits ☐ received be	nefits for:	
☐ Family Independence Program (FIP). ☐ Medical Assistance (MA). ☐		Assistance (AMP). Assistance (SDA).

2. Due to excess assets, on November 1, 2011, the Department ⊠ denied Claimant's application. ☐ closed Claimant's case.

3.	On October 1, 2011, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
4.	On October 24, 2011, Claimant filed a hearing request, protesting the ⊠ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM), and the Reference Tables Manual (RFT).
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.
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.
Se Th	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 (formerly known as the Family Independence Agency) administers the A program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department (formerly known the Family Independence Agency) administers the SDA program pursuant to MCL 0.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.
on	ditionally, Claimant argued that the proprety in question was jointly owned and worth ly \$30,000 today. If that were true, Claimant's assets would still be above the assest it of \$2,000 for a group of one and \$3,000 for a couple.
sta	sed upon the above Findings of Fact and Conclusions of Law, and for the reasons ated on the record, the Administrative Law Judge concludes that, due to excess sets, the Department
	properly denied Claimant's application improperly denied Claimant's application properly closed Claimant's case improperly closed Claimant's case
for	: □ AMP □ FIP ⊠ MA □ SDA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusion
of Law, and for the reasons stated on the record, finds that the Department
□ did not act properly.
Accordingly, the Department's AMP FIP MA SDA decision is AFFIRMED REVERSED for the reasons stated on the record.

Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 12, 2012

Date Mailed: March 12, 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.

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.

2012-17839/MJB

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

MJB/pf

