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

IN THE MATTER OF:



Reg. No.: 2012-19545 Issue Nos.: 2009, 4031 Case No.: February 27, 2012 Hearing Date: Wayne (82-15) County:

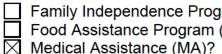
ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 February 27, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included

ISSUE

Did the Department properly \boxtimes deny Claimant's application \square close Claimant's case for:



Family Independence Program (FIP)? Food Assistance Program (FAP)?

Adult Medical Assistance (AMP)? State Disability Assistance (SDA)? Child Development 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:



Family Independence Program (FIP).

Food Assistance Program (FAP).

Adult Medical Assistance (AMP).

🛛 State Disability Assistance (SDA).

Child Development and Care (CDC).

Medical Assistance (MA).

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- On December 8, 2011, the Department
 Icon denied Claimant's application
 Icon closed Claimant's case
 due to the Department's Medical Review Team's determination that Claimant was not disabled.
- On December 8, 2011, the Department sent
 ☐ Claimant ☐ Claimant's Authorized Representative (AR)
 notice of the ☐ denial. ☐ closure.
- 4. On December 14, 2011, Claimant filed a hearing request, protesting the \square denial of the application. \square closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq*.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, Rule 400.3151 through Rule 400.3180.

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☐ 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, in about June 2010, the Social Security Administration ruled that Claimant was not eligible for Supplemental Security Income (SSI) benefits. Claimant did not appeal the denial. Claimant's SSI application concerned the same impairments as her application for MA and SDA with the Department. Pursuant to BEM Items 260, 270 and 271, Claimant has accepted the SSA denial as a final decision, and she is not eligible for MA and SDA benefits at the State level as a result.

Further, it is undisputed that the Department denied MA and SDA benefits to Claimant on the basis that she was not disabled and the undersigned Administrative Law Judge need not address the correctness of this medical evaluation because there is a final decision from SSA. Stated otherwise, although the Department erred in denying benefits for the wrong reason, this constitutes harmless error and it does not require that the Department's decision be overturned in this case.

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: \square AMP \square FIP \square FAP \boxtimes MA \boxtimes SDA \square 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 \square did act properly. \square did not act properly.

Accordingly, the Department's \square AMP \square FIP \square FAP \boxtimes MA \boxtimes SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

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Jan Leventer Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: February 28, 2012

Date Mailed: February 28, 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)

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



CC:

