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

IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County:

2012-23682 6019

March 29, 2012 Genesee #6

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Thursday, Ma rch 29, 2012 from Lansing, Michigan. Participants on behalf of Cla imant included the claimant. Participants on behalf of Department of Human Services (Department) included

<u>ISSUE</u>

Due to excess income, did the Department properly deny the Claimant's applic ation close Claimant's case reduce Claimant's benefits for:

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

Medical Assistance (MA)?

Adult Medical Assistance (AMP)?

State Disability Assistance (SDA)?

Child Development and Care (CDC)?

FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

1. Cla imant applied for benefits for: received benefits for:



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

Medical Assistance (MA).

Adult Medical Assistance (AMP).

State Disability Assistance (SDA).

Child Development and Care (CDC).

- On November 8, 2011, the Department denied Claimant's application Closed Claimant's case reduced Claimant's benefits due to excess income.
- On November 8, 2011, the Department sent
 ☐ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ denial. ☐ closure. ☐ reduction.
- 4. On December 12, 2011, Claimant or Claimant's A HR filed a hearing r equest, protesting the
 ☐ denial of the application. ☐ closure of the case. ☐ reduction of benefits.

CONCLUSIONS OF LAW

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

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and 1997 AACS R 400.3101-3131. FI P replaced the Aid to Depe ndent Children (ADC) program effective October 1, 1996.

☐ The Food Assistanc e 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 1997 AACS R 400.3001-3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disabilit y Assistance (SDA) progr am, which provides financial ass istance for disabled persons, is establis hed by 2004 PA 344. The Department (formerly known as the F amily Independence Agency) admini sters the SDA program pursuant to M CL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE and XX of the Soc ial Security Act, the Ch ild Care and Developm ent 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 Fede ral Regulations, Parts 98

and 99. T he Department provides servic es to adult s and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

Additionally, the claimant applied for FAP benefits on November 8, 2011. As a result of the new budget that was run to determine eligibility, the claimant was determined to be excess inc ome for C DC benefits and her case was closed on Decembe r 3, 2011. During the hearing, t he claimant stated t hat her mother had not been paid for two weeks, but she did not know which weeks. She was to discuss with her mother and the department casework er to work out the iss ue. The claimant is entitled to reapply for benefits if she has a decrease in income.

Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative La income, the Department income incom

denied Claimant's application reduced Claimant's benefits

 \boxtimes closed Claimant's case

for: \square AMP \square FIP \square FAP \square MA \square SDA \boxtimes 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 \square MA \square SDA \boxtimes CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

<u>/s/</u>

Carmen G. Fahie Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: April 9, 2012

Date Mailed: April 9, 2012

NOTICE: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 mailing 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

Re consideration/Rehearing Request P.O. Box 30639 Lansing, Michigan 48909-07322

CC:

