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

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Reg. No.: 2012-24940 Issue No.: 3021; 2021

Case No.:

Hearing Date: February 7, 2012

County: Wayne #17

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 Claimant's request for a hearing. After due notice, a telephone hearing was held on Tuesday, February 28, 2012 from Lansing, Michigan. Participants on behalf of Claimant included the claimant. Participants on behalf of Department of Human Services (Department) included

# **ISSUE**

Due to excess assets, did the Department	properly  deny the Claimant's application
☐ Family Independence Program (FIP)? ☐ Medical Assistance (MA)? ☐ Food Assistance Program (FAP)?	<ul><li>☐ Adult Medical Assistance (AMP)?</li><li>☐ State Disability Assistance (SDA)?</li></ul>

# FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, including the testimony at the hearing, finds as material fact:

1.	Claimant applied for benefits 🔀 receive	d benefits for:
	<ul> <li>☐ Family Independence Program (FIP).</li> <li>☐ Medical Assistance (MA).</li> <li>☐ Food Assistance Program (FAP).</li> </ul>	Adult Medical Assistance (AMP).  State Disability Assistance (SDA).

Additionally, the claimant had \$6,000 in her bank account from her insurance claim on her house. As a result, she had excess assets, which made her ineligible for FAP and MA benefits. During the hearing, the claimant stated that she was now under assets, which entitled her to reapply for benefits.

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, due to excess assets, the Department
<ul> <li>□ properly denied Claimant's application</li> <li>□ improperly denied Claimant's application</li> <li>□ improperly closed Claimant's case</li> <li>□ improperly closed Claimant's case</li> </ul>
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   ☐ did not act properly. ☐ did not act properly.
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ MA $\square$ SDA $\boxtimes$ FAP 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:
/S/ Carmen G. Fahie Administrative Law Judge For Maura Corrigan, Director Department of Human Services
Date Signed: 2/29/12

Date Signed: 2/29/12

Date Mailed: <u>2/29/12</u>

**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.

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

### CGF/ds

