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

IN THE MATTER OF:



Reg. No.:	2012-2822
Issue No.:	3002
Case No.:	
Hearing Date:	November 9, 2011
County:	Clare

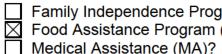
ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 November 9, 2011, from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist and Family Independence Manager.

ISSUE

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



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

Ľ	Adult Medical Assistance (AMP)?
Ľ	State Disability Assistance (SDA)?
Ī	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). Medical Assistance (MA).

Adult Medical Assistance (AMP).

State Disability Assistance (SDA).

Child Development and Care (CDC).

2012-2822/CAP

- On October 1, 2011, the Department

 denied Claimant's application
 closed Claimant's case
 due to excess income following a mass update change in the heat and utility standard under RFT 255.
- On September 20, 2011, the Department sent
 Claimant
 Claimant's Authorized Representative (AR)
 denial. ∑ closure.
- 4. On September 27, 2011, Claimant filed a hearing request, protesting the ☐ denial of the application. ⊠ 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 1997 AACS R 400.3101-3131. 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 1997 AACS R 400.3001-3015.

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
adm	niniste	ered by	/ the Dep	artment pu	ursuant t	o N	1CL 400.10, e	et se	eq.				

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 1998-2000 AACS R 400.3151-400.3180.

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 1997 AACS R 400.5001-5015.

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
 □ improperly denied Claimant's application
 □ improperly closed Claimant's case
 □ improperly closed Claimant's case

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

Accordingly, the Department's AMP FIP K FAP AA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

CALP

C. Adam Purnell Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: <u>11/16/11</u>

Date Mailed: <u>11/16/11</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 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.

CAP/ds

