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:	2012-29467 2021 May 21, 2012 Wayne (18)			
ADMINISTRATIVE LAW JUDGE: Michael J. Ben	nane				
HEARING DECIS	SION				
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 May 21, 2012, from Detroit, Mich igan. Participants on behalf of Claimant included claimant and the Department of Human Services (Department) included					
ISSUE					
Due to excess assets, did the Department proper ☐ close Claimant's case for:	ly ⊠ deny the Cl	aimant's app lication			
Family Independence Program (FIP)? Medical Assistance (MA)?		Assistance (AMP)? Assistance (SDA)?			
FINDINGS OF FACT					
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, including the testimony at the hearing, finds as material fact:					
1. Cla imant ⊠ applied for benefits □ received benefits for:					
☐ Family Independence Program (FIP). ☐ Medical Assistance (MA).		Assistance (AMP). Assistance (SDA).			
2. Due to excess assets, on January 3, 2012, the ⊠ denied Claimant's application. ☐ closed	Department I Claimant's case				

3. On January 3, 2012, the Department sent ⊠ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ⊠ denial. ☐ closure.
 On January 12, 2012, Claimant filed a hearing request, protesting the
CONCLUSIONS OF LAW
Department policies are found in the Bridges 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, <i>et seq</i> .
☐ The Family Independence Program (FIP) was established pursuant to the Persona 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 1999 AC, Rule 400.310 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.
☐ The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc is 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 assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the F amily Independence Agency) administers the SDA program pursuant to M C 400.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.
Additionally, the claim ant's assets at the time of application tota Iled over \$5,600.00. BEM 400 limits assets to \$3,000.00 for a group of two.
Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that, due to excess assets, the Department
 ☑ properly denied Claimant's application ☐ properly closed Claimant's case ☐ improperly denied Claimant's application ☐ improperly closed Claimant's case
for:

DECISION AND ORDER

of Law, and for the reasons stated on the record, finds that the Department \(\subseteq \text{did act properly.} \) \(\subseteq \text{did not act properly.} \)
Accordingly, the Department's \square AMP \square FIP \boxtimes MA \square SDA decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

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

Date Signed: June 5, 2012

Date Mailed: June 5, 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 receipt of the Decision and Order or, if a ti mely 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

Re consideration/Rehearing Request P. O. Box 30639

Lansing, Michigan 48909-07322

MJB/cl

2012-29467/MJB

