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 31452 1018,1022 June 7, 2012 Wayne County DHS (41)
ADMINISTRATIVE LAW JUDGE: Lynn M. Ferri	S	
HEARING DEC	ISION	
This matter is before the undersigned Administrated MCL 400.37 following Claimant's request delephone hearing was held on June 7, 2012, for chalf of Claimant included the Claimant and Participants on behalf of the Department of	for a hearing. rom Detroit, Michio his daughter an	After due notice, a gan. Participants on d Interpreter
ISSUE		
Due to excess income, did the Department prop ☐ close Claimant's case ☒ reduce Claimant's b		claimant's application
☐ Family Independence Program (FIP)?☐ Food Assistance Program (FAP)?☐ Medical Assistance (MA)?		sistance (AMP)? assistance (SDA)? ent and Care (CDC)?
FINDINGS OF	<u>FACT</u>	
The Administrative Law Judge, based on the evidence on the whole record, finds as material fa		rial, and substantial
1. Claimant ☐ applied for benefits for: ☑ r	eceived benefits fo	or:
☐ Family Independence Program (FIP).☐ Food Assistance Program (FAP).☐ Medical Assistance (MA).	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).

2.	On 2/1/12, the Department
3.	On 1/31/12, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure. reduction.
4.	The Claimant's spouse began receiving SSI-Medicaid and was no longer a member of Claimant's FIP group.
5.	On 2/3/12, Claimant or Claimant's AHR filed a hearing request, protesting the denial of the application. Closure of the case. reduction of benefits.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges Administrative Manual (BAM), the idges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro im Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.
Se Th	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the Family Independence Agency) administers the A program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 400.105.
for as	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department (formerly known the Family Independence Agency) administers the SDA program pursuant to MCL 0.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 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 1999 AC, Rule 400.5001 through Rule 400.5015.
Additionally, at the hearing the Department established that the Claimant's spouse, Sameerah Saleh, now receives SSI from the Social Security Administration and thus can no longer be included in the Claimant's FIP group as a member. BEM 210, Exhibit 2. The Claimant acknowledged that his spouse now receives SSI. Based upon these facts, the Department properly reduced the Claimant's FIP benefits when the Claimant's spouse was removed from the FIP group.
At the hearing the Department did not establish that it properly closed the Claimant's spouse's medical assistance when she began receiving SSI. The Claimant was unaware as to why the Medical Assistance was closed for his spouse, and was not aware that she would be eligible for Medicaid. The Department did not produce a notice of case action advising the Claimant and his spouse that her Medical Assistance had closed. Based upon these facts, it is found that the Department did not established that it properly closed the Medical Assistance case of Sameerah Saleh (the spouse) and therefore its actions in that regard were incorrect. BAM 220, BEM 150.
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 income, the Department properly removed the Claimant's spouse from the FIP group and reduced the FIP benefits improperly closed the Claimant's spouse's medical assistance without a notice of case action.
 ☐ denied Claimant's application ☒ reduced Claimant's benefits ☒ closed Claimant's case
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 act properly when it reduced the Claimant's FIP benefits
\boxtimes did not act properly when it closed the Claimant's spouse's medical assistance case without a notice of case action.
Accordingly, the Department's \square AMP \boxtimes FIP \square FAP \square MA \square SDA \square CDC decision is:

AFFIRMED regarding the reduction of FIP benefits,
Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is:
\boxtimes REVERSED for the reasons that the Department did not provide a notice of case action regarding the closure of the Claimant's spouse medical assistance case.
$\hfill \square$ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. the Department shall reopen the Claimant's spouse, Sameerah Saleh Medical Assistance case retroactive to the date of closure and shall properly give notice to the Claimant and his spouse regarding the Closure of the spouse's medical assistance due to receipt of SSI.

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

Date Signed: June 18, 2012

Date Mailed: June 18, 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 **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.

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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

LMF/hw

