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

### IN THE MATTER OF:



Medical Assistance (MA).

Reg. No.: 201231556

Child Development and Care (CDC).

Issue No.: 3002

Case No.: Hearing Date:

March 7, 2012

County: Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

## **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 March 7, 2012 from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included

# **ISSUE**

1330E	
Due to excess income, did the Department ¡ ☐ close Claimant's case ☒ reduce Claiman	
☐ 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 evidence on the whole record, finds as mater	• • • • • • • • • • • • • • • • • • • •
Claimant	☑ received benefits for:
<ul><li>☐ Family Independence Program (FIP).</li><li>☑ Food Assistance Program (FAP).</li></ul>	<ul><li>☐ Adult Medical Assistance (AMP).</li><li>☐ State Disability Assistance (SDA).</li></ul>

<ol> <li>On November 1, 2011, the Department ☐ denied Claimant's application ☐ closed Claimant's case ☐ reduced Claimant's benefits due to excess income.</li> </ol>	
3. On October 5, 2011, the Department sent ⊠ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ denial. ☐ closure. ☑ reduction.	
4. On October 12, 2011, Claimant or Claimant's AHR filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case. ☐ reduction of benefit	
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 Adult Medical Program (AMP) is established by 42 USC 1315, and administered by the Department pursuant to MCL 400.10, <i>et seq</i> .	
The Family Independence Program (FIP) was established pursuant to the Person Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-19 42 USC 601, <i>et seq.</i> The Department (formerly known as the Family Independent Agency) administers FIP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, R 400.310 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) progra effective October 1, 1996.	
☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (F3 program] is established by the Food Stamp Act of 1977, as amended, and implemented by the federal regulations contained in Title 7 of the Code of Feder Regulations (CFR). The Department (formerly known as the Family Independent Agency) administers FAP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, R 400.300 through Rule 400.3015.	
☐ The Medical Assistance (MA) program is established by the Title XIX of the Soci Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105.	
☐ The State Disability Assistance (SDA) program, which provides financial assistant for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MC 400.10, et seq., and 2000 AACS, R 400.3151 through Rule 400.3180.	
☐ The Child Development and Care (CDC) program is established by Titles IVA, IV and XX of the Social Security Act, the Child Care and Development Block Grant 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 199	

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, R 400.5001 through Rule 400.5015.

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, due to excess income, the Department $\square$ properly $\square$ improperly
<ul> <li>☐ denied Claimant's application</li> <li>☐ reduced Claimant's benefits</li> <li>☐ 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.
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ FAP $\square$ MA $\square$ SDA $\square$ CDC decision is $\boxtimes$ AFFIRMED $\square$ REVERSED for the reasons stated on the record.
Christopher S. Saunders Administrative Law Judge For Maura Corrigan, Director
Department of Human Services

Date Signed: March 8, 2012

Date Mailed: March 9, 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.

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

### CSS/cr

