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

IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County: 2012-34304 2009/4031/5032

July 25, 2012 Oakland (03)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Admini strative 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 July 25, 2012, fr om Detroit, Michigan. Participants on behalf of Claimant included cl aimant. Participants on behalf of the De partment of Human Services (Department) included

ISSUE

Did the Departm ent properly 🖾 deny Claiman t's application 🔲 close Claimant's case for:

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

- Adult Medical Assistance (AMP)?
- State Disability Assistance (SDA)?

Medical Assistance (MA)?

State Emergency Relief? (SER)

FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

1. Cla imant \boxtimes applied for benefits \square received benefits for:



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

Medical Assistance (MA).

- Adult Medical Assistance (AMP). State Disability Assistance (SDA).
- \boxtimes State Emergency Relief? (SER)
- On January 24, 2012, the Department
 Idenied Claimant's application
 Iclosed Claimant's case
 due to the claimant's failure to qualify on non-economic issues and the claimant's failure to claim a disability on her application.

3. On January 30, 2012, Claimant filed a hearing request, protesting the ⊠ denial of the application. □ closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Br idges 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 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 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

☐ The Food Assistanc e Program (FAP) [form erly known as the Food Stamp (FS) program] is establis hed by the Food Stamp Act of 1977, as amend ed, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independenc e Agency) administers FAP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial 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 Independ ence Agency) administers the MA program pursuant to MCL 400.10, *et seq*., and MC L 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq*.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The D epartment of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq*., and 20 00 AACS, Rule 400.3151 through Rule 400.3180.

The State Emergency Relief (SER) program is establ ished by 2004 PA 344. The SER program is administer ed pursuant to MCL 400.10, *et seq.*, and by, 1999 AC, Ru le 400.7001 through Rule 400.7049. Department polic ies are found in the State Emergency Relief Manual (ERM).

Additionally, the department ex plained that the claimant's SER for emergency shelter was denied because she was living with other family and friends when she applied.

A group living with friends or relatives is not homeless, even if the arrangement is t emporary unless one of the situations below exists: The group is living t emporarily with other persons following a fire or natural disaster that occurred not more than 60 day s before the date the group files an application for SER.

The group is living with other persons to escape a domestic violence situation.

The group meets eligibility crit eria for one of the homeless assistance programs listed above. In this case the claimant did not meet the above criteria. (ERM 303).

The claimant's MA was denied because she was not aged, disabled, or parent custodian of minors in her home. Furthe rmore, the department testified that the claimant did not claim a dis ability on her applic ation. This fact was not challenged by the claimant, thus the application for MA and SDA were denied. (BEM 105).

The department also testified that the Adult Medical Program was closed to ne w applicants at the time of the claimant's denial.

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 the Department

properly denied Claimant's application

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

for: \square AMP \square FIP \square FAP \boxtimes MA \boxtimes SDA \boxtimes SER.

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 \square did act properly. \square did not act properly.

Accordingly, the Department's \square AMP \square FIP \square FAP \boxtimes MA \boxtimes SDA \boxtimes SER \square CDC 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: August 14, 2012

Date Mailed: August 14, 2012

NOTICE: Michigan Administrative Hearing Syst em (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. (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 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 <u>MAY</u> 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

CC:

