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

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Reg. No.: 2012-36767

Issue No.: 3003

Case No.:
Hearing Date: March 29, 2012
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

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 Thursday, Ma rch 29, 2012 from Lansing, Michigan. Participants on behalf of Cla imant included the claimant. Participants on behalf of Department of Human Services (Department) included Tim Sharron, FIM.

<u>ISSUE</u>

Due to excess income, did the Department properly ☐ deny the Claimant's applic ation ☐ close Claimant's case ☒ reduce Claimant's 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)?					
FINDINGS OF FACT						
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:						
I. Cla imant ☐ applied for benefits for: 区	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).					

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2.	On February 13, 2012, the Department
3.	On February 13, 2012, the Department sent \boxtimes Claimant \square Claimant's Authorized Representative (AR) notice of the \square denial. \square closure. \boxtimes reduction.
4. (On February 22, 2012, Cla imant or Claimant's AHR filed a hearing request , protesting the \square denial of the application. \square closure of the case. \boxtimes reduction of benefits.
	CONCLUSIONS OF LAW
	partment policies are contained in the Br idges Administrative Manual (BAM), the dges 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, <i>et seq</i> .
Re 42 Ag 313	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and W ork Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1997 AACS R 400.3101-31. FIP replaced the Aid to Dependent Children (ADC) program effective tober 1, 1996.
pro imp Re Ag	The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) ogram] is establis hed by the Food St amp Act of 1977, as amend ed, and is oblemented by the federal regulations contained in Title 7 of the Code of Federal gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pur suant to MCL 400. 10, et seq., and 1997 AACS R 0.3001-3015.
Se	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the F amily Independence Agency) administers the program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disabilit y 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 M CL 0.10, et seq., and 1998-2000 AACS R 400.3151-400.3180.
and 199	The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE d XX of the Soc ial Security Act, the Child Care and Development Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

and 99. The Department provides servicies to adult a and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015. Additionally, the claimant had a reder termination due for February 2012. The department caseworker determined that the clai mant's shelter expense was incorrectly budgeted at \$565 instead of the subsidized amount of \$200. As a result, the claimant's received a reduction in FAP benefits from \$483 to \$373. Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative La w Judge concludes t hat, due to excess income, the Department properly improperly denied Claimant's application reduced Claimant's benefits 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 not act properly. did act properly Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is \square AFFIRMED \square REVERSED for the reasons stated on the record. THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER: /s/ Carmen G. Fahie Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: April 9, 2012

Date Mailed: April 9, 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 mailing 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

CGF/ds

CC:

