## 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:	2012-43241 1022/2018 August 13, 2012 Wayne (35)	
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 August 13, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the claimant and Participants on behalf of the Department of Human Servic es (Department) included			
<u>ISSUE</u>			
Did the Departm ent properly $\  \  \  \  \  \  \  \  \  \  \  \  \ $			
<ul> <li>☐ Family Independence Program (FIP)?</li> <li>☐ Food Assistance Program (FAP)?</li> <li>☐ Medical Assistance (MA)?</li> </ul>		sistance (AMP)? ssistance (SDA)? nt 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:			
1. Cla imant ⊠ applied for benefits ☐ received be	enefits for:		
<ul><li>☐ Family Independence Program (FIP).</li><li>☐ Food Assistance Program (FAP).</li><li>☐ Medical Assistance (MA).</li></ul>	-	ssistance (AMP). Assistance (SDA). ent and Care (CDC).	

2.	On March 20, 2012, the Department
3.	On March 20, 2012, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.
4.	On March 27, 2012, Claimant filed a hearing request, protesting the $\boxtimes$ denial of the application. $\square$ closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bri dges Administrative Manual (BAM), the idges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and W ork 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 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program fective October 1, 1996.
pro im 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 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 Ag	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 of Human Services (formerly known as the Family Independ ence lency) administers the MA program pursuant to MCL 400.10, et seq., and MC L 0.105.
	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> .
for Se pro	The State Disabilit y Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The D epartment of Human ervices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 20 00 AACS, Rule 400.3151 through ale 400.3180.

☐ The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE and XX of the Soc ial 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 claimant and her daughter admitted that her daughter lived with her former spouse and father and that he has official custody of their daughter Brandi. T his results in the claimant not qualifying for MA because she is not aged, blind, disabled, or the parent or guardian of a minor child.
FIP Group composition is the determination of which individuals living together are included in the FIP eligibility determination group/program group and the FIP certified group. To be eligible for FIP both of the following must be true:  The group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. (BEM 210).  Here, the record shows that the daughter in question lives with her father and that, according to testimony, he has legal custody of the daughter.  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 the Department  properly denied Claimant's application improperly denied Claimant's application properly closed Claimant's case improperly 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 $\square$ did act properly. $\square$ did not act properly.
Accordingly, the Department's $\square$ AMP $\boxtimes$ FIP $\square$ FAP $\boxtimes$ MA $\square$ SDA $\square$ CDC decision is $\boxtimes$ AFFIRMED $\square$ REVERSED for the reasons stated on the record.
an
Michael J. Bennane

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

Date Signed: <u>August 28, 2012</u> Date Mailed: <u>August 28, 2012</u> **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 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

