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

IN THE MAT	TER OF:	Reg. No.	201246652 2014	
		Case No: Hearing Date: Marquette Cour	-	
ADMINISTRATIVE LAW JUDGE: Kevin Scully				
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 Wednesday, June 20, 2012, from Lansing, Michigan. Participants on behalf of Claimant included Department of Human Services (Department) included.				
	ISSU	<u>E</u>		
Due to excess income, did the Department properly $\square$ deny the Claimant's application $\square$ close Claimant's case $\square$ reduce Claimant's benefits for:				
Food Assistance Program (FAP)?		☐ Adult Medical Assist☐ State Disability Assis☐ Child Development a	stance (SDÁ)?	
FINDINGS OF FACT				
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:				
1.	Claimant  applied for benefits Independence Program (FIP), Food Assistance Program (SDA),  Medical Assistance (CDC).	☐ Adult Medical As n (FAP), ☐ State Disa	sistance (AMP), ability Assistance	
2.	On April 5, 2012, the Departmen ⊠ closed Claimant's case ☐ reincome.			

3.	On April 5, 2012, the Department sent $\boxtimes$ Claimant $\square$ Claimant's Authorized Representative (AR) notice of the $\square$ denial. $\boxtimes$ closure. $\square$ reduction.			
4.	On April 12, 2012, Claimant or Claimant's AHR filed a hearing request, protesting the $\square$ denial of the application. $\boxtimes$ closure of the case. $\square$ reduction of benefits.			
CONCLUSIONS OF LAW				
	policies are contained in the Bridges Administrative Manual (BAM), the bility Manual (BEM), and the Reference Tables Manual (RFT).			
	ult Medical Program (AMP) is established by 42 USC 1315, and is by the Department pursuant to MCL 400.10, et seq.			
Responsibilit 42 USC 601, Agency) adm	Ily Independence Program (FIP) was established pursuant to the Personal y and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, et seq. The Department (formerly known as the Family Independence ninisters FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 e 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ober 1, 1996.			
program] is implemented Regulations	d Assistance Program (FAP) [formerly known as the Food Stamp (FS) established by the Food Stamp Act of 1977, as amended, and is by the federal regulations contained in Title 7 of the Code of Federal (CFR). The Department (formerly known as the Family Independence ninisters FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 400.3015.			
Security Act The Departm	cal Assistance (MA) program is established by the Title XIX of the Social and is implemented by Title 42 of the Code of Federal Regulations (CFR). The content (formerly known as the Family Independence Agency) administers the pursuant to MCL 400.10, <i>et seq.</i> , and MCL 400.105.			
for disabled pas the Famil	e Disability Assistance (SDA) program, which provides financial assistance persons, is established by 2004 PA 344. The Department (formerly known y Independence Agency) administers the SDA program pursuant to MCL eq., and 2000 AACS, R 400.3151 through Rule 400.3180.			
•	the Department closed the Claimant's Medical Saving Program case income exceeded the limit to receive this benefit.			

The Claimant aruged that she should receive an exception to this income limit.

Date Mailed: June 21, 2012

The claimant's grievance centers on dissatisfaction with the Department's current policy. The claimant's request is not within the scope of authority delegated to this Administrative Law Judge. Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations, or make exceptions to the department policy set out in the program manuals. Furthermore, administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. Michigan Mutual Liability Co. v Baker, 295 Mich 237; 294 NW 168 (1940).

stated on the above Findings of Fact and Conclusion stated on the record, the Administrative Law Judge concome, the Department of properly improperly reduced Claimant's benefits of closed Claimant's case of MA of SDA of CDC.	oncludes that, due to excess denied Claimant's application			
DECISION AND ORDER				
The Administrative Law Judge, based upon the above Fin of Law, and for the reasons stated on the record ⊠ did act properly ☐ did not act properly.	•			
Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.				
/s/ Date Signed: June 21, 2012	Kevin Scully Administrative Law Judge For Maura Corrigan, Director Department of Human Services			
Date digited. <u>Julie 21, 2012</u>				

**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

## KS/tb

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