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

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	Reg. No.: Issue Nos.: Case No.: Hearing Date: County:	2012-47457 3002, 3003 May 21, 2012 Wayne (82-35)			
ADMINISTRATIVE LAW JUDGE: Robert J. Ch	avez				
HEARING DEC	CISION				
This matter is before the undersigned Administrated MCL 400.37 following Claimant's request telephone hearing was held on May 21, 2012, behalf of Claimant included Department of Human Services (Department) included	t for a hearing. from Detroit, Michig Participants	After due notice, a			
ISSUE					
Due to excess income, did the Department properly calculate Claimant's budget for the:					
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?			
FINDINGS OF	FACT				
The Administrative Law Judge, based on the evidence on the whole record, finds as material		rial, and substantial			
1. Claimant ☐ applied for benefits for: ☐	received benefits fo	r:			
<ul> <li>☐ Family Independence Program (FIP).</li> <li>☐ Food Assistance Program (FAP).</li> <li>☐ Medical Assistance (MA).</li> </ul>		esistance (AMP). Assistance (SDA). ent and Care (CDC).			

2.	On April 23, 2012, the Department
3.	On April 5, 2012, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure. calculation.
4.	On April 13, 2012, Claimant or Claimant's AHR filed a hearing request, protesting the
	denial of the application. $\boxtimes$ closure of the case. $\square$ calculation of benefits.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges 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, et seq.
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work 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 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, 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	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the Family Independence Agency) administers the A program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disability 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 MCL 0.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.
an	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, 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, when determining eligibility for FAP benefits, the household's total income must be evaluated. All earned and unearned income of each household member must be included unless specifically excluded. BEM, Item 500.

In the current case, the Department has failed to present evidence of Claimant's income or evidence of how Claimant's income was calculated. Claimant disputed the income amount that the Department used. Therefore, as the Department failed to provide adequate evidence supporting their action, the undersigned has no choice but to hold that the Department has failed to meet their burden of proof; the action in question must be reversed.

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 $\  \  \  \  \  \  \  \  \  \  \  \  \ $
<ul> <li>☐ denied Claimant's application</li> <li>☐ calculated 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  idd act properly idd not act properly.
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ FAP $\square$ MA $\square$ SDA $\square$ CDC decision is $\square$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
1. Remove the negative action in question and recalculate Claimant's FAP benefits retroactive to the date of negative action, using any evidence of Claimant's actual income for the dates in question.  Robert J. Chavez  Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: May 23, 2012

Date Mailed: May 23, 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

## RJC/pf

