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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-47541 2006 June 21, 2012 Oakland (02)
ADMINISTRATIVE LAW JUDGE: Michael J. Benn	nane	
HEARING DECIS	<u>ION</u>	
This matter is before the undersigned Admini strative and MCL 400.37 following Claim—ant's request for telephone—hearing was held on June 21, 2012, from behalf of Claimant included claimant and behalf of the Department of Human Services (Department)	r a hearing. Afte om Detroit, Michig	r due notice, a gan. Participants on Participants on
ISSUE		
Due to a failure to comply with the ve rification properly \square deny Claimant's application \boxtimes close 0 benefits for:		did the Department reduce Claimant's
		ssistance (SDA)? nt and Care (CDC)?
FINDINGS OF FA	<u>ACT</u>	
The Administrative Law Judge, based upon the devidence on the whole record, including testimony		
1. Cla imant ☐ applied for ☒ was receiving: ☐FI	P □FAP ⊠MA [□SDA □CDC.
2. Claimant was required to submit requested veri	fication by March	1, 2012.
 3. On April 1, 2012, the Department ☐ denied Claimant's application. ☐ closed Claimant's case. ☐ reduced Claimant's benefits . 		

4.	On March 19, 2012, the Department sent notice of the ☐ denial of Claimant's application. ☐ closure of Claimant's case. ☐ reduction of Claimant's benefits.
5.	On April 11, 2012, Claimant filed a hearing request, protesting the ☐ denial of claimant's application. ☐ closure of Claimant's case. ☐ reduction of Claimant's benefits.
	CONCLUSIONS OF LAW
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM) and the Reference Tables Manual (RFT).
Re 42 Ag 31	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly k nown as the Family Independence gency) administers FIP pursuant to MCL 400.10, et seq., and 1997 AACS R 400.3101-31. FI P replac ed the Aid to Depe ndent Children (ADC) program effective ctober 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 gency) administers FAP pur suant to MCL 400. 10, et seq., and 1997 AACS R 0.3001-3015
Se Th	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial ecurity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily Independence Agency) administers the A program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disability Assistance (SDA) progr am which provides financial as sistance disabled persons is established by 2004 PA 344. The Depart ment (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.
an 19 Th an	The Child Development and Care (CDC) program is established 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. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 d 99. The Department provides services to adult and children pursuant to MCL 0.14(1) and 1997 AACS R 400.5001-5015.

Additionally, the claim ant filed a new applic ation for MA, FAP and CDC on March 29 2012, in lieu of returning t he redetermination packet in a ti mely manner. The claiman t testified that she complet ed the redetermination packet and mailed it back, but the department did not receive the redetermination packet. If addressed correctly there is a presumption that the mail was correctly delivered.

The new application is not an issue in this hearing except as its acceptance as a replacement for the c laimant's redetermination packet. In this instance the lateness of the response precludes its being considered such.

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 ☑ improperly
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 not act properly.
Accordingly, the Depar tment's decision is AFFIRMED REVERSED for the reasons stated on the record.

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

Date Signed: June 28, 2012

Date Mailed: June 28, 2012

NOTICE: Michigan Administrative Hearing System (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 order 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)

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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

