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

IN	THE	MAT	TER	OF:

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-50315 2013 September 12, 2012 Oakland (63-02)		
ADMINISTRATIVE LAW JUDGE: Robert J. Chavez				
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 September 12, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Participants on behalf of the Department of Human Services (Department) included				
<u>ISSUE</u>				
Due to a failure to meet eligibility requirements, did the Department properly ☐ deny Claimant's application ☐ close Claimant's case ☒ reduce Claimant's benefits for:				
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		assistance (SDA)? ent and Care (CDC)?		
FINDINGS OF FACT				
The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:				
<ol> <li>Claimant ☐ applied for ☒ was receiving: [</li> </ol>	□FIP □FAP ☑MA	□SDA □CDC.		
<ul> <li>2. On June 1, 2012, the Department ☐ denied Claimant's application. ☐ closed Claimant's case. ☐ reduced Claimant's benefits .</li> </ul>				

3.	On April 20, 2012, the Department sent notice of the  denial of Claimant's application.  closure of Claimant's case.  reduction of Claimant's benefits.
4.	On April 26, 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 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 1997 AACS R 400.3101-31. FIP replaced the Aid to Dependent Children (ADC) program effective stober 1, 1996.
pro im 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 1997 AACS R 0.3001-3015
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 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 Social Security Act, the Child Care and Development Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. e program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 d 99. The Department provides services to adults and children pursuant to MCL 0.14(1) and 1997 AACS R 400.5001-5015.

Additionally, Claimant had originally been receiving QMB Medicare cost share. At a redetermination, it had been noted that Claimant had a net income of \$1,112. The monthly net income limit for QMB Medicare is \$931. RFT 242 (2012). Claimant did not allege that his income was calculated incorrectly.

The Department then proceeded to close Claimant's QMB case and transfer Claimant to an SLMB case, the next most beneficial program for which he still met income requirements.

As Claimant's income was calcluated correctly, and as Claimant was over the threshold for the QMB program, the Department correctly removed Claimant from the QMB program.

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 $\square$ properly $\square$ improperly
<ul> <li>☐ closed Claimant's case.</li> <li>☐ denied Claimant's application.</li> <li>☐ reduced Claimant's benefits.</li> </ul>
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 decision is $\boxtimes$ AFFIRMED $\square$ REVERSED for the reasons stated on the record.
W/ Charles
Robert J. Chavez

Date Signed: September 21, 2012

Date Mailed: September 21, 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.

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

