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

IN THE MAT	TER OF:	Reg. No: Issue No:	201251063 6046	
		Case No: Hearing Date: Lapeer County	June 6, 2012 DHS	
ADMINISTRATIVE LAW JUDGE: Kevin Scully				
	HEARING D	<u>ECISION</u>		
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 6, 2012, from Lansing, Michigan. Participants on behalf of Claimant included Department of Human Services (Department) included.				
	<u>ISSU</u>	<u>E</u>		
Did the Dep for:	artment properly 🛚 deny Claima	ant's application 🗌 clos	se Claimant's case	
☐ State		State Disability Ass	dult Medical Assistance (AMP)? tate Disability Assistance (SDA)? thild Development and Care (CDC)?	
	FINDINGS C	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 benefi Independence Program (FIP), ⊠ Direct Support Services (DS □ Medical Assistance (MA), □	Adult Medical A	Assistance (AMP), Assistance (SDA),	
2.	On April 9, 2012, the Depart closed Claimant's case due to deny a non-entitlement benefit	o the Department exerc		
3.	On April 9, 2012, the Depar Authorized Representative (AR)			

 On April 25, 2012, Claimant filed a hearing request, protesting the				
CONCLUSIONS OF LAW				
Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).				
☐ The Family Independence Program (FIP) was established pursuant to the Persona Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193 42 USC 601, et seq. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.				
☑ Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. Direct Support Services include Employment Support Services (ESS) and Family Support Services (FSS). There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the FIA or the MWA. BEM 545.				
☐ The Medical Assistance (MA) program is established by the Title XIX of the Socia Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR) The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 400.105.				
☐ The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, <i>et seq</i> .				
☐ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Humar Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and 2000 AACS, R 400.3151 through Rule 400.3180.				
☐ The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social 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, R 400.5001 through Rule 400.5015.				
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 Departmen \boxtimes properly denied Claimant's application, \square improperly denied Claimant's application				

Date Mailed: June 7, 2012

□ properly closed Claimant's case, □ improperly closed Claimant's case for: □ AMP□ FIP □ DSS □ MA □ SDA □ CDC.
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 AMP FIP DSS MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.
/s/ Kevin Scully Administrative Law Judge For Maura Corrigan, Director Department of Human Services Date Signed: June 6, 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 **MAY** 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

cc: