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

DEPARTMENT OF HUMAN SERVICES		
IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-51900 2001 August 2, 2012 Wayne (49)
ADMINISTRATIVE LAW JUDGE: Michael J. Bennane		
HEARING DE	CISION	
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on August 2, 2012, from Detroit, Michigan. Participants on behalf of Claimant inc luded the claimant and the Department of Human Services (Department) included		
ISSUE		
Due to excess income, did the Department pro ⊠ close Claimant's case ☐ reduce Claimant's		laimant's applic ation
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		sistance (AMP)? ssistance (SDA)? ent and Care (CDC)?
FINDINGS O	F FACT	
The Administrative Law Judge, based on tevidence on the whole record, finds as material	ne competent, materi I fact:	al, and substantial
1. Cla imant ☐ applied for benefits for: 区	received benefits fo	r:

✓ Adult Medical Assistance (AMP).✓ State Disability Assistance (SDA).

☐ Child Development and Care (CDC).

Family Independence Program (FIP).
Food Assistance Program (FAP).

Medical Assistance (MA).

2.	On May 1, 2012, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits due to excess income.	
3.	On April 27, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure. reduction.	
4.	On May 7, 2012, Claimant or Claimant's AHR filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case. ☐ reduction of benefits.	
CONCLUSIONS OF LAW		
	epartment policies are contained in the Br idges Administrative Manual (BAM), the idges 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, <i>et seq</i> .	
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and W ork Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence jency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program fective October 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 ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.	
Se Th	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ia curity 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 Aprogram pursuant to MCL 400.10, et seq., and MCL 400.105.	
for as	The State Disabilit y 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 M CL 0.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.	
an	The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE d XX of the Soc ial Security Act, the Ch ild Care and Developm ent 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 Fede ral Regulations, Parts 98 and 99. The Department provides services to adult and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, the department provided an AMP budget that liste d the claimant's unearned income as \$937.00 per month. This was verified with the claimant. The AMP income budget lists the income limit as \$425.00 per month for a group of 2. (RFT 236).

Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons

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 Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

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

Date Signed: August 15, 2012

Date Mailed: August 15, 2012

NOTICE: Michigan Administrative Hearing S ystem (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 or der 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)

2012-51900/MJB

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

cc: