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

п	1 TI		BA A	T-	ΓFR		┏.
П	u II	HE	IVI	۱ı	ırk	U	-

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012 54146 3000, 2001 June 21, 2012 Wayne County DHS(55)
ADMINISTRATIVE LAW JUDGE: Lynn M. Fer	ris	
HEARING DE	CISION	
This matter is before the undersigned Administ and MCL 400.37 following Claimant's reque telephone hearing was held on June 21, 2012 behalf of Claimant included the Claimant. A also participated and interpreted of the Department of Human Services (E Assistance Payments Supervisor and	st for a hearing. , from Detroit, Michi An interpreter, d for the Claimant.	After due notice, a gan. Participants on behalf
ISSUE	[
Did the Department properly $igstyle igstyle igstyle$ deny Claiman for:	it's application 🗌 c	lose Claimant's case
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		esistance (AMP)? Assistance (SDA)? ent and Care (CDC)?
FINDINGS OF	F FACT	
The Administrative Law Judge, based on the evidence on the whole record, finds as material	•	rial, and substantial
 Claimant ∑ applied for benefits Medical Assistance a 	and Adult Medical Pr	ogram
 3.		ssistance (AMP). Assistance (SDA).

						
	On 5/1/12, the Department					
	The Claimant currently receives food assistance (FAP) and no longer has any issue regarding his FAP, and did not wish to proceed with the Request for Hearing regarding FAP.					
4.	On 5/1/12, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.					
5.	On 5/10/12 , Claimant filed a hearing request, protesting the \boxtimes denial of the application for Medical Assistance and AMP. \square closure of the case.					
	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 Personal 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, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.						
The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, Rule 400.3001 through Rule 400.3015.						
Se Th Ag	☐ The Medical Assistance (MA) program is established by the Title XIX of the Social 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, et seq., and MCL 400.105.					
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.					

☐ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, Rule 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, Rule 400.5001 through Rule 400.5015.					
Additionally, the evidence produced at the hearing indicated that the Department denied the Claimant's application for Medical Assistance due to the Adult Medical Program being closed to new enrollment. The Claimant was not otherwise qualified for Medical Assistance, as he did not indicate that he sought MA on the basis that he was medically disabled. A review of the application filed by the Claimant indicates that at the time he applied, he did not complete an answer to question 10, page k of his application which asks the applicant to list anyone applying for assistance who is physically or mentally unable to work full time. Exhibit 4. Based on Claimant's answer to question 10, the Department properly denied the application as the Claimant did not fit any of the other categories for Medical Assistance. Exhibit 1.					
The Claimant may reapply for Medical Assistance at any time.					
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 denied Claimant's application ☐ properly closed Claimant's case ☐ improperly denied Claimant's application ☐ improperly closed Claimant's case 					
for: 🖂 AMP 🗌 FIP 🗌 FAP 🖂 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 ☐ did not act properly. ☐ 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.					
The Claimant's hearing request as regards food assistance is ordered DISMISSED as					

The Claimant's hearing request as regards food assistance is ordered DISMISSED as no issue remains with regard to food assistance.

☐ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1.

Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 29, 2012

Date Mailed: June 29, 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 to:

Michigan Administrative Hearings Reconsideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

LMF/hw

201254146/ LMF

