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:	201255722 2014 July 12, 2012 St. Joseph County DHS
ADMINISTRATIVE LAW JUDGE: Corey A. Arend	t	
HEARING DECIS	SION	
This matter is before the undersigned Administrative and MCL 400.37 following Claimant's request telephone hearing was held on July 12, 2012 from behalf of Claimant included behalf of Department of Human Services (Department).	for a hearing. An Lansing, Michig	After due notice, a an. Participants on Participants on
<u>ISSUE</u>		
Due to excess income and excess assets, did the Claimant's application close Claimant's case		
Food Assistance Program (FAP)?	Adult Medical Ass State Disability As Child Developme	,
FINDINGS OF FA	<u>ACT</u>	
The Administrative Law Judge, based on the cevidence on the whole record, finds as material fac		ial, and substantial
1. Claimant ⊠ applied for benefits for: ☐ red	ceived benefits for	r:
Family Independence Program (FIP). Food Assistance Program (FAP). Medical Assistance (MA).		sistance (AMP). ssistance (SDA). ent and Care (CDC).

	On May 4, 2012, the Department				
	On May 4, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) otice of the denial. Closure. reduction.				
	On May 14, 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					
Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).					
The MA program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 400.105.					
In this case, the Department failed to provide the necessary documentation or testimony necessary to show the Claimant had excess income and excess assets which resulted in the denial of the Claimant's February 2012 MA application. Therefore, I was unable to determine whether the Department acted in accordance with the applicable laws and policies in determining the Claimant's eligibility for MA benefits.					
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, due to excess income and excess assets, the Department \square properly \bowtie improperly					
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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.

Accordingly, the Department's MA decision is **REVERSED** for the reasons stated on the record.

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

- Initiate a redetermination as to the Claimant's eligibility for MA benefits beginning February 21, 2012 and issue retroactive benefits if otherwise eligible and qualified.
- 2. Explain to the Claimant and Ms. Humphreys the asset and income policies as they pertain to MA eligibility.

<u>/s/______</u>

Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: July 12, 2012

Date Mailed: July 12, 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 at Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/cr

