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

### IN THE MATTER OF:

Reg. No.: 201265561 Issue No.: 3008, 2001 Case No.:

Hearing Date: August 23, 2012

County: Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

# **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 August 23, 2012, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included

# ISSUE

Did the Department properly $\square$ deny Claimant's application $\boxtimes$ close Claimant's case for:		
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?	<ul><li>☑ Adult Medical Assistance (AMP)?</li><li>☐ State Disability Assistance (SDA)?</li><li>☐ Child Development and Care (CDC)?</li></ul>	
FINDINGS OF FACT		
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:		
<ol> <li>Claimant          ☐ applied for benefits          ☐ received benefits for:</li> </ol>		
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA).	<ul> <li>✓ Adult Medical Assistance (AMP).</li> <li>☐ State Disability Assistance (SDA).</li> <li>☐ Child Development and Care (CDC).</li> </ul>	

<ol> <li>On August 1, 2012, the Department              □ denied Claimant's application</li></ol>
3. On July 11, 2012, the Department sent ☐ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ denial. ☐ closure.
<ol> <li>On July 17, 2012, Claimant filed a hearing request, protesting the         ☐ denial of the application.        ☐ closure of the case.</li> </ol>
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.
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 Federa Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 through Rule 400.3015.
☐ 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 administered 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, 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.

Additionally, the department requested the claimant supply verification of her husband's employment and pay stubs from his employment. The claimant did in fact submit her husband's pay stubs as requested by the department. The department had requested pay stubs from the last year for the claimant's husband and the department representative could not state specifically why that amount of check stubs was requested and could not point to a policy that would require that many pay stubs to be submitted. Regardless, the claimant did in fact submit her husband's pay stubs and testified that the stubs that were submitted were all the stubs her husband had accumulated while working at the job in question. Accordingly the Administrative Law Judge finds that the claimant complied with the request of the department to provide her husband's pay stubs.

husband's pay stubs.	·	
Based upon the above Findings of Fact and Costated on the record, the Administrative Law Jud		
	mproperly denied Claimant's application mproperly closed Claimant's case	
for: 🛮 AMP 🗌 FIP 🖾 FAP 🗌 MA 🗌 SDA 🗌	CDC.	
DECISION AND ORDER		
The Administrative Law Judge, based upon the of Law, and for the reasons stated on the record ☐ did act properly. ☐ did not act properly.		
Accordingly, the Department's ⊠ AMP ☐ FIP ☐ is ☐ AFFIRMED ⊠ REVERSED for the reasons		
☑ THE DEPARTMENT IS ORDERED TO DO T THE DATE OF MAILING OF THIS DECISION A		
Initiate a redetermination of the claimant's eligibility for FAP and AMP back to the date of negative action (August 1, 2012). If the claimant is found to be otherwise eligible, the department shall reinstate benefits back to the date of negative action (August 1, 2012), and if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.		
	/s/	
	Christopher S. Saunders Administrative Law Judge For Maura Corrigan, Director	
	Department of Human Services	

Date Signed: August 27, 2012

Date Mailed: August 28, 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

### CSS/cr

