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

IN THE MATTER OF:			
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-66614 3002 August 28, 2012 Wayne #57	
ADMINISTRATIVE LAW JUDGE: Suzanne Morris			
HEARING DECISION			
This matter is before the undersigned Administrant MCL 400.37 following Claimant's requestelephone hearing was held on August 28, 20 on behalf of Claimant included Claimant. Human Services (Department) included	est for a hearing. 12, from Lansing, Mi	After due notice, a ichigan. Participants	
<u>ISSUE</u>			
Did the Department properly ☐ deny Claiman reduce Claimant's benefits for:	nt's application 🔲 cl	ose Claimant's case	
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		assistance (SDA)? ent and Care (CDC)?	
FINDINGS OF FACT			
The Administrative Law Judge, based upon evidence on the whole record, including testime		•	
Claimant ☐ applied for ☒ was receiving: ☐FIP ☒FAP ☐MA ☐SDA ☐CDC.			
. Claimant ⊠ was ☐ was not due for a Redetermination.			
3. Claimant submitted new paycheck stubs.			
 4. On August 1, 2012, the Department ☐ denied Claimant's application ☐ closed Claimant's case ☐ reduced Claimant's benefits 			

due to increased earnings. 5. On July 12, 2012, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits. 6. On July 18, 2012, Claimant filed a hearing request, protesting the ☐ denial. ☐ closure. reduction. **CONCLUSIONS OF LAW** Department policies are found 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, 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 Federal 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seg., 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 claimant testified that he had overtime on the 30 days of paycheck stubs that he provided to the department for his Redetermination that he would not usually work. The department indicated that they would re-budget his FAP benefits, if the claimant provided a new 30 days of paycheck stubs to the department. The claimant understood this would not be retroactive, but affect his benefits from receipt forward.

Based upon the above Findings of Fact and Conclustated on the record, the Administrative Law Judge co ☐ properly ☐ improperly	•
☐ closed Claimant's case.☐ denied Claimant's application.☐ reduced Claimant's benefits.	
DECISION AND ORD	<u>ER</u>
The Administrative Law Judge, based upon the above of Law, and for the reasons stated on the record, finds \(\subseteq \text{ did act properly.} \) \(\subseteq \text{ did not act properly.} \)	•
	_ <u>/s/</u> Suzanne Morris Administrative Law Judge For Maura Corrigan, Director Department of Human Services
Date Signed: 08/31/2012	Department of Fidinari Dervices

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 receipt 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:

Date Mailed: 09/04/2012

- 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

SM/jk

