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

N THE MATTER OF:		
	Reg. No.:	
ADMINISTRATIVE LAW JUDGE: Suzanne	Morris	
HEARING D	DECISION	
This matter is before the undersigned Adminition and MCL 400.37 following Claimant's requirelephone hearing was held on Participants on behalf of Claimant include Department of Human Services (Department)	uest for a hearing. After due notice, a n. ded Claimant. Participants on behalf of	
ISSL	<u>JE</u>	
Due to excess income, did the Department properly ⊠ deny the Claimant's application close Claimant's case ☐ reduce Claimant's benefits for:		
Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)?	☐ Adult Medical Assistance (AMP)? ☐ State Disability Assistance (SDA)? ☐ Child Development and Care (CDC)?	
FINDINGS (OF FACT	
The Administrative Law Judge, based on evidence on the whole record, finds as mater	·	
1. Claimant ⊠ applied for benefits for: ┃	received benefits for:	
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA).	☐ Adult Medical Assistance (AMP). ☐ State Disability Assistance (SDA). ☐ Child Development and Care (CDC).	
	lenied Claimant's application Claimant's benefits	

3.	on the Department sent ☐ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ denial. ☐ closure. ☐ reduction.
4.	On Claimant or Claimant's AHR filed a hearing request, protesting the
	denial of the application.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges 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, et seq.
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro im Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, 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 lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 rough Rule 400.3015.
Se Th	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the Family Independence Agency) administers the A program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disability 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 MCL 0.10, et seq., and 2000 AACS, R 400.3151 through Rule 400.3180.
an 19 Th an	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. e program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 d 99. The Department provides services to adults and children pursuant to MCL 0.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

Additionally, the claimant disputes only the month of the excess income for the same and following. The claimant clarified that she did not begin receiving unemployment compensation benefits (UCB) until the middle of July. Thus, for the she only received \$560 in UCB. As the benefits were from the the department was unable to verify them. The claimant did provide a copy of her UCB stub showing the receipt of her UCB benefits for the smaller amount of income may make the claimant eligible for July FAP benefits. Therefore, the department shall re-budget the case for accurate income to determine if claimant is income eligible.
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, the Department $\ \square$ properly $\ \square$ improperly
 ☑ denied Claimant's application ☐ reduced Claimant's benefits ☐ 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 \square did act properly \square did not act properly.
Accordingly, the Department's \square AMP \square FIP \boxtimes FAP \square MA \square SDA \square CDC decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.
$\hfill \boxtimes$ The department is ordered to do the following within 10 days of the date of mailing of this decision and order:
Re-budget the claimant's FAP benefits for July, 2012, using the proper UCB amount (\$560) to determine if claimant is eligible for FAP benefits. If claimant is eligible, issue benefits. SO ORDERED.
Suzanne L. Morris Administrative Law Judge For Maura Corrigan, Director Department of Human Services
Date Signed:
Date Mailed:

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

SLM/jk

CC:

