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:	2012-69650 3002 September 17, 2012 Macomb (50-20)
ADMINISTRATIVE LAW JUDGE: Jan Leventer		
HEARING DEC	CISION	
This matter is before the undersigned Administra and MCL 400.37 following Claimant's reques telephone hearing was held on September Participants on behalf of Claimant included Cl Department of Human Services (Department) inc	t for a hearing. 17, 2012, from laiman <u>t. Participa</u> l	After due notice, a Detroit, Michigan.
ISSUE		
Due to excess income, did the Department prop ☐ close Claimant's case ☐ reduce Claimant's b		claimant's application
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐		sistance (AMP)? ssistance (SDA)? ent and Care (CDC)?
FINDINGS OF	FACT	
The Administrative Law Judge, based on the evidence on the whole record, finds as material t	•	rial, and substantial
1. Claimant ☐ applied for benefits for: ☒ ı	received benefits fo	or:
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA).	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).

2.	On August 2, 2012, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits due to an overissuance.
3.	On August 2, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure. reduction.
4.	On August 7, 2012, Claimant or Claimant's AHR filed a hearing request, protesting
	the \Box denial of the application. \Box closure of the case. \boxtimes reduction of benefits.
	CONCLUSIONS OF LAW
	partment policies are contained in the Bridges Administrative Manual (BAM), the dges 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 ency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro imp 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 ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through 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 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, Rule 400.3151 through Rule 400.3180.
	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

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, it is found and determined that on March 6, 2012, the Department issued a Notice of Overissuance; on March 13, 2012, Claimant requested a Hearing; and, on March 16, 2012, Claimant signed a Withdrawal Request. Therefore, it is found and determined that Claimant in the present administrative hearing can no longer challenge the correctness of the overissuance, as her right to do so was extinguished when she signed the Withdrawal Request. BAM 600 (2012), p. 21.

At the hearing, Claimant presented no evidence to establish that the Department's August 2, 2012, Notice of Case Action contained any erroneous calculations regarding repayment of the previously established overissuance. Accordingly, it is found and determined that the Department acted correctly in this case, and the Department shall be upheld.

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:					
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 \square AMP \square FIP \boxtimes FAP \square MA \square SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.					
Jan Coventi					
Jan Leventer					
Administrative Law Judge					
for Maura Corrigan, Director					

Date Signed: September 18, 2012

Department of Human Services

Date Mailed: September 18, 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

JL/pf

