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

DEI ARTIMENT OF HOMA	IN OLIVIOLO	
IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201272597 3002 October 3, 2012 Houghton
ADMINISTRATIVE LAW JUDGE: Kevin Scully		
HEARING DECIS	<u>ION</u>	
This matter is before the undersigned Administrative and MCL 400.37 following Claimant's request the telephone hearing was held on October 3, 2012, the on behalf of Claimant included of Human Services (Department) included	for a hearing. from Lansing, Mic	After due notice, a
ISSUE		
Due to excess income, did the Department proper ☐ close Claimant's case ☒ reduce Claimant's ber		laimant's application
Food Assistance Program (FAP)?	Adult Medical Assistance (AMP)? State Disability Assistance (SDA)? Child Development and Care (CDC)?	
FINDINGS OF FA	<u>ACT</u>	
The Administrative Law Judge, based on the cevidence on the whole record, finds as material face	•	rial, and substantial
 Claimant ☐ applied for benefits for: Independence Program (FIP), ☐ ☐ Food Assistance Program (FIR) (SDA), ☐ Medical Assistance (MA) (CDC). 	Adult Medical AP), ☐ State □	Assistance (AMP), Disability Assistance

On July 16, 2012, the Department ☐ denied Claimant's application ☐ closed Claimant's case ☒ reduced Claimant's benefits due to excess

2.

income.

3.	On July 16, 2012, the Department sent \square Claimant \square Claimant's Authorized Representative (AR) notice of the \square denial. \square closure. \square reduction.
4.	On August 15, 2012, the Department received the Claimant's hearing request, protesting the \square denial of the application. \square closure of the case. \boxtimes reduction of benefits.
	CONCLUSIONS OF LAW
	policies are contained in the Bridges Administrative Manual (BAM), the bility Manual (BEM), and the Reference Tables Manual (RFT).
	ult Medical Program (AMP) is established by 42 USC 1315, and is by the Department pursuant to MCL 400.10, <i>et seq</i> .
Responsibilit 42 USC 601, Agency) adn through Rule	ily Independence Program (FIP) was established pursuant to the Personal ty and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, et seq. The Department (formerly known as the Family Independence ninisters FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 et 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ober 1, 1996.
program] is implemented Regulations	d Assistance Program (FAP) [formerly known as the Food Stamp (FS) established by the Food Stamp Act of 1977, as amended, and is by the federal regulations contained in Title 7 of the Code of Federal (CFR). The Department (formerly known as the Family Independence ninisters FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 et 400.3015.
Security Act The Departm	ical Assistance (MA) program is established by the Title XIX of the Social and is implemented by Title 42 of the Code of Federal Regulations (CFR). nent (formerly known as the Family Independence Agency) administers the pursuant to MCL 400.10, et seq., and MCL 400.105.
for disabled as the Fami	e Disability Assistance (SDA) program, which provides financial assistance persons, is established by 2004 PA 344. The Department (formerly known ly Independence Agency) administers the SDA program pursuant to MCL eq., and 2000 AACS, R 400.3151 through Rule 400.3180.
and XX of t 1990, and th The program and 99. Th	d Development and Care (CDC) program is established by Titles IVA, IVE he Social Security Act, the Child Care and Development Block Grant of e Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In is implemented by Title 45 of the Code of Federal Regulations, Parts 98 are Department provides services to adults and children pursuant to MCL and 1999 AC, R 400.5001 through Rule 400.5015.

Date Mailed: October 8, 2012

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 properly hmproperly 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 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.		
/s/ Kevin Scully Administrative Law Judge		
For Maura Corrigan, Director Department of Human Services		
Date Signed: October 5, 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 **MAY** 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

KS/tb



