

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012 74258
Issue No.: 3021, 2021
Case No.: [REDACTED]
Hearing Date: October 25, 2012
County: Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 October 25, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and [REDACTED], a witness who appeared and testified on behalf of the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIM and [REDACTED], ES.

ISSUE

Due to excess assets, did the Department properly deny the Claimant's application close Claimant's case and reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP) reduced? | |

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, including the testimony at the hearing, finds as material fact:

1. Claimant applied for benefits received benefits for:

- | | |
|---|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP) | |

2. Due to excess assets, on 10/1/12 (Medical Assistance closed) and 9/1/12 (Food Assistance reduced), the Department
 denied Claimant's application. closed Claimant's case for Medical Assistance and reduced Claimant's food assistance.
3. On 8/21/12, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure of Medical Assistance and reduction of Food Assistance.
4. The Claimant began receiving \$1310 in RSDI beginning 3/1/12.
5. A review of Claimant's banking statement for the period 6/27/12/ through 7/27/12 which indicated that the Claimant had assets in excess of \$2,000. The Claimant conceded that her savings account had in excess of \$2,000 at the time the Department reviewed her case for redetermination.
6. On 8/29/12, Claimant filed a hearing request, protesting the
 denial of the application. closure of the medical assistance case and reduction of Claimant's FAP benefits.

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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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, Rule 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, Rule 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 seq.*, and 2000 AACCS, Rule 400.3151 through Rule 400.3180.

Additionally, during the hearing the Claimant conceded that during the time period reviewed by the Department to determine the amount of Claimant's assets (6/27/12 through 7/27/12) she had assets in her savings account in excess of \$2,000 (which was the asset limit for Medical Assistance). Based upon the Claimant's credible testimony, the Department correctly closed the Claimant's Medical Assistance case due to excess assets. Department of Human Services Bridges Eligibility Manual, (BEM) 400 (2012)]. As indicated at the hearing, because the Claimant is eligible for RSDI benefits, she should reapply for Medical Assistance, and may do so at any time.

The Claimant also requested review of the reduction of her food assistance (FAP) benefits to \$16 per month. A review of the Claimant's FAP budget, as prepared by the Department, and the excess shelter calculation was conducted during the hearing. The Claimant confirmed that she did, in fact, receive RSDI in the amount of \$1310, and her rent was \$552, which are the income and rent amount the Department used to calculate the Claimant's FAP benefits. Based upon a review of the FAP budget, the Department correctly reduced the Claimant's FAP benefits. Exhibit 4.

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 assets, the Department

- properly denied Claimant's application improperly denied Claimant's application
- properly closed Claimant's case Medical assistance
- properly reduced Claimant's Food Assistance benefits based upon income received

for: AMP FIP MA SDA FAP.

DECISION AND ORDER

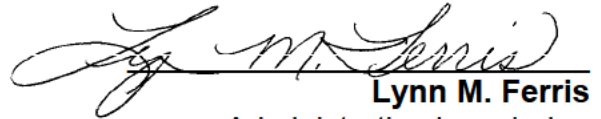
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly (MEDICAL ASSISTANCE CLOSURE AND FOOD ASSISTANCE REDUCTION).

did not act properly.

Accordingly, the Department's AMP FIP MA SDA (FAP) decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/30/2012

Date Mailed: 10/30/2012

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

LMF/hw

cc: 