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:	201276303 4070 March 5, 2013 Washtenaw County DHS			
ADMINISTRATIVE LAW JUDGE: Suzanne Morris	S				
HEARING DECISION					
This matter is before the undersigned Administrative and MCL 400.37 following Claimant's request telephone hearing was held on March 5, 2013, from behalf of Claimant included Claimant, his mother, Participants on behalf of (Department) included	for a hearing. m Lansing, Michiq , a	After due notice, a gan. Participants on nd his grandmother,			
<u>ISSUE</u>					
Due to a failure to comply with the verification requirements, did the Department properly ☐ deny Claimant's application ☒ close Claimant's case ☐ reduce Claimant's benefits for:					
State Supplement SSI Payment (SSP) Food Assistance Program (FAP)?	Child Developme	nt and Care (CDC)?			
FINDINGS OF FACT					
The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:					
 Claimant ☐ applied for ☒ was receiving: ☐FI 	IP □FAP □MA [⊠SSP □CDC.			
2. Claimant ⊠ was ☐ was not provided with a New Hire Client Notice (DHS-4635)					
3. Claimant was required to submit requested veri	ification by May 3	1, 2012.			

4.	On August 21, 2012, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits for SSP payments.
5.	On August 21, 2012, the Department sent notice of the denial of Claimant's application. Closure of Claimant's case. reduction of Claimant's benefits.
6.	On August 28, 2012, Claimant filed a hearing request, protesting the ☐ denial. ☐ closure. ☐ reduction.
	CONCLUSIONS OF LAW
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM) and the Reference Tables Manual (RFT).
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 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 lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 ough 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) is Department (formerly known as the Family Independence Agency) administers the Aprogram 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.
Tit	The State Supplementary Security Income program was established pursuant to le XVI of the Social Security Act in 42 USC 1381, <i>et seq.</i> , and implemented by the poisions of Title 20 of the Code of Federal Regulations (CFR). The Department of

Human Services (DHS or department) administers the State SSI program pursuant to 2002 PA 529, MCL 400.10, et seq., and by agreement between the State of Michigan and the United States Secretary of Health and Human Services (Secretary). Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Table (RFT).

Additionally, the department representatives testified that the claimant's SSP payment stopped because he failed to provide the New Hire Client Notice back to the department by the due date. However, once this Administrative Law Judge further examined the documentation after going off the record, it became clear that this was not the case. The claimant's Medicare Cost Savings program was closed for failure to provide the required verifications. This was not the issue that the claimant submitted a hearing request to dispute. The notice of State SSI Payment Change that the claimant submitted a hearing request for indicates that the claimant's State SSI payment has been cancelled because the Social Security Administration determined the claimant did not receive a regular first of the month check for the previous three months. department provided no evidence on whether or not the claimant did receive regular first of the month SSI checks for the proceeding three months. Thus, the department must go back and review the SOLQ report and determine if the client received regular SSI payments and if the claimant is entitled to receive the SSP payment for the period that the claimant did not receive the SSP.

•	cord, the Administrative	Law, and for the reasons les that the Department
denied C	laimant's case. laimant's application. Claimant's benefits.	

Date Mailed: March 11, 2013

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. did not act properly.
Accordingly, the Department's decision is \square AFFIRMED \boxtimes REVERSED for the reasons put forth in this decision.
\boxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
Initiate a redetermination of the claimant's SSP eligibility beginning August 21, 2012 to determine if the claimant received regular SSI monthly checks. If the claimant received regular monthly SSI checks, then issue any retroactive SSP benefits the claimant is entitled to receive. SO ORDERED.
/s/
Suzanne L. Morris Administrative Law Judge For Maura Corrigan, Director Department of Human Services Date Signed: March 11, 2013

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:

- 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/cr

