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:	2012-76708 1005 November 26, 2012 Wayne (55)	
ADMINISTRATIVE LAW JUDGE: Michael J. I	Bennane		
HEARING DE	ECISION		
This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on November 26, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the claimant. Participants on behalf of the Department of Human Services (Department) included			
<u>ISSUE</u>			
Did the Departm ent properly ⊠ deny Claiman t's application ☐ close Claimant's case for:			
☐ Family Independence Program (FIP)?☐ Food Assistance Program (FAP)?☐ Medical Assistance (MA)?		sistance (AMP)? ssistance (SDA)? ent and Care (CDC)?	
FINDINGS O	F FACT		
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:			
1. Cla imant ⊠ applied for benefits ☐ receive	d benefits for:		
☐ 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 6, 2012, the Department
3.	On August 6, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
4.	On September 19, 2012, Claimant filed a hearing request, protesting the \boxtimes denial of the application. \square closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Br idges Administrative Manual (BAM), the idges Eligibility 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 W ork 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, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro im Re Ag	The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) ogram] is establis hed by the Food St amp Act of 1977, as amend ed, 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 Ag	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department of Human Services (formerly known as the Family Independ ence ency) administers the MA program pursuant to MCL 400.10, et seq., and MC L 0.105.
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, <i>et seq</i> .
for Se pro	The State Disabilit y Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The D epartment of Human ervices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 20 00 AACS, Rule 400.3151 through alle 400.3180.

☐ The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Soc ial 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.
In the instant case the claimant qualified fo r relief from the federal lawsuit regarding the time limit applicable to FIP. Notice was se nt to the claimant of the need to complete a FIP application by June 11, 2012.
Because the claimant filed her application late (June 12, 2012), the department treated the application as a regular FIP applic ation and assigned the c laimant to the Jobs, Education, and Training Program (JET) before approval of her FIP application.
The claimant did not attend JET as scheduled and the department denied the claimant's FIP application.
Claimant argues that she did not receive the JET notice of a program appointment. The department sent the notice to the address listed on her FIP application on July 13, 2012, for an appointment to be conducted July 25, 2012. The claimant had, by this time, moved to a new location but did not notify the department of this change of address.
Clients must report changes in circumstance that potentially affect eligibility or benefit amount. Changes must be reported within 10 days of receiving the first payment reflecting the change
Persons in the home. Marital status. Address and shelter cost changes that result from the move. Vehicles. Assets. Child support expenses paid. Health or hospital coverage and premiums. (BAM 105, p.7, August 6, 2012).
Based upon the abov e Findings of Fact and Co nclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department
 □ properly denied Claimant's application □ properly closed Claimant's case □ improperly closed Claimant's case
for:

DECISION AND ORDER

of Law, and for the reasons stated on the record, finds that the Department \(\sum \) did act properly. \(\sum \) did not act properly.
Accordingly, the Department's \square AMP \boxtimes FIP \square FAP \square MA \square SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: January 9, 2013

Date Mailed: January 9, 2013

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

2012-76708/MJB

MJB/cl

