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:	2012-8359 3002 November 30, 201 Wayne County		
ADMINISTRATIVE LAW JUDGE: Susan C.	Burke			
HEARING D	ECISION			
This matter is before the undersigned Administrated and MCL 400.37 following Claim ant's required telephone hearing was held on November Participants on behalf of Claimant inclu de Department of Human Services (Department), Assistance Payments Supervisor,	est for a hearing. Afte 30, 2011, from De ed Claim ant. Particip	er due notice, a etroit, Michigan.		
<u>ISSL</u>	<u>JE</u>			
Due to excless assets, did the Department pr ☑ close Claimant's case for:	roperly deny the C	laimant's app licatior		
Food Assistance Program (FAP)? Medical Assistance (MA)?	Adult Medical Assi	stance (AMP)? Assistance (SDA)?		
FINDINGS OF FACT				
The Administrative Law Judge, based on t evidence on the whole record, i ncluding the t fact:	•	•		
1. Cla imant ☐ applied for benefits ☒ receive	ed benefits for:			
 ⊠ Food Assistance Program (FAP). [□ Medical Assistance (MA). [Adult Medical Assi	stance (AMP). Assistance (SDA).		

2. Due to excess assets, on October 1, 2011, the Department

☐ denied Claimant's application. ☐ closed Claimant's case.

3. On September 20, 2011, the Department sent ☐ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ denial. ☐ closure.				
 On October 17, 2011, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case. 				
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 Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 19 77, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Feder al Regulations (CFR). The Department (formerly known as the Fam ily Independence Agency) administers FAP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, Rule 400.3001 through Rule 400.3015.				
In the present case, the Department clos ed Claim ant's case due to excess assets pursuant to BEM 400. However, the Department used information dated August of 2011, not current information.				
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 denied Claimant's application □ improperly closed Claimant's case 				
for:				

DECISION AND ORDER

	ons stated on the record, finds did not act properly.	3	sions
	ment's ☐ AMP ☑ FAP ☐ MA ERSED for the reasons stated		
	IS ORDERED TO DO THE FOR		S OF
1.			
		Jusa C. Bruke	

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

Date Signed: <u>12/6/11</u>

Date Mailed: <u>12/6/11</u>

NOTICE: Michigan Administrative Hearing S ystem (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.

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

Re consideration/Rehearing Request

P. O. Box 30639

2012-8359/SCB

Lansing, Michigan 48909-07322

SCB/sm

