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

#### IN THE MATTER OF:



 Reg. No.:
 2012-66480

 Issue No.:
 2018

 Case No.:
 Image: County in the second second

State Disability Assistance (SDA)?

Child Development and Care (CDC)?

## ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

## **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 November 29, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Participants on behalf of the Department of Human Services (Department) included

#### **ISSUE**

Due to a failure to meet eligibility requirements, did the Department properly 🖾 deny Claimant's application 🗌 close Claimant's case 🗌 reduce Claimant's benefits for:

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Family Independence Program (FIP)?

Food Assistance Program (FAP)?

Medical Assistance (MA)?

# 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:

- 1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
- 2. Claimant did not allege a dependent child or a disability.
- 3. On July 9, 2012, the Department
  - denied Claimant's application.
  - Closed Claimant's case.

reduced Claimant's benefits .

- 4. On July 9, 2012, the Department sent notice of the denial of Claimant's application.
  - Closure of Claimant's case.

reduction of Claimant's benefits.

5. On July 23, 2012, Claimant filed a hearing request, protesting the denial of Claimant's application.

 $\boxtimes$  closure of Claimant's case.

reduction of Claimant's 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 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 1997 AACS R 400.3101-3131. 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 1997 AACS R 400.3001-3015

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 1998-2000 AACS R 400.3151-400.3180.

☐ The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social 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 1997 AACS R 400.5001-5015.

Additionally, the Department testified that Claimant was considered for all MA programs in an ex parte review, including the AMP program, after Claimant was found to not be the caretaker of a minor child. Claimant did not meet the eligibility requirements for any program as Claimant had not alleged disability, and was not the caretaker of a dependent child. The AMP program is currently closed to enrollment. Therefore, as Claimant did not meet eligibility requirements, and as Claimant was unable to articulate what program she thought she qualified for or how the Department's closure was in error, the Administrative Law Judge holds that the Department was correct to close the MA case in question.

Based upon th	e above Findings of Fact and Conclusions of Law, and for the reasons
stated on the r	ecord, the Administrative Law Judge concludes that the Department
🛛 properly	

 $\boxtimes$  closed Claimant's case.

] denied Claimant's application.

reduced Claimant's benefits.

## **DECISION AND ORDER**

The Administrative Law	Judge, based upon the above Findings of Fact and Conclusions
of Law, and for the reas	sons stated on the record, finds that the Department
$\boxtimes$ did act properly	did not act properly.

Accordingly, the Department's decision is  $\boxtimes$  AFFIRMED  $\square$  REVERSED for the reasons stated on the record.

Robert J. Chavez

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

Date Signed: January 3, 2013

Date Mailed: January 3, 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 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.

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 <u>MAY</u> 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

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