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

IN THE MATTER OF:		Reg. No: Issue No:	201276971 2018		
		Case No: Hearing Date: Van Buren			
ADMINISTR	ATIVE LAW JUDGE: William A So	undquist			
	HEARING DE	CISION			
and MCL 40 person heari on behalf of	s before the undersigned Administ 0.37 following Claimant's request for ing was held on November 1, 2012 Claimant in cluded rices (Department) included	or a hearing. After from Van Buren, M	due notice, an in-		
	ISSUE				
	ss assets, did the Department pro imant's case for:	perly \square deny the C	laimant's app lication		
☐ Family Independence Program (FIP)? ☐ Medical Assistance (MA)? ☐			Adult Medical Assistance (AMP)? State Disability Assistance (SDA)?		
	FINDINGS OF	FACT			
	trative Law Judge, based on t he the whole record, including the test	e competent, materi st imony at the heari	-		
1. Cla	imant ☐ applied for benefits Independence Program (FIP), ☐ ☑ Medical Assistance (MA), ☐	☑ received benefi ☑ Adult Medical As State Disability Assi	ssistance (AMP),		
2.	Due to excess assets, on Au gus Claimant's application, ⊠ closed		artment		
3.	On August 30, 2012, the Depart Authorized Representative (AR) n				
4.	On September 4, 2012, Claiman				

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, <i>et seq</i> .
☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, et seq. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.
☐ The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily Independence Agency) administers the MA program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 400.105.
☐ The State Disabilit y 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 M CL 400.10, et seq., and 2000 AACS, R 400.3151 through Rule 400.3180.
Additionally, the Decision and Order is bas ed on SSI closure on July 2, 2012 based on excess assets per BEM 150, p. 5.
Administrative law judges ha ve no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals. Delegation of Hearing Authority, July 13, 2011, per PA 1939, Section 9, Act 280.
Therefore, this Administrative Law Judge has no legal authority to except the Claimant from DHS policy based on his financial hardship.
Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that, due to excess assets, the Department \square properly denied Claimant's application, \square improperly denied Claimant's application, \square properly closed Claimant's case, \square improperly closed Claimant's case for: \square AMP \square FIP \boxtimes MA \boxtimes SDA.

DECISION AND ORDER

of Law, and for the reasons stated on the record, finds in did act properly. in did not act properly.			Conclusio Departme	
Accordingly, the Department's ☐ AMP ☐ FIP ☒ MA ☒ AFFIRMED ☐ REVERSED for the reasons stated on the reco		SDA	decision	is
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING THE DATE OF MAILING OF THIS DECISION AND ORDER:	FIW 6	HIN 1	0 DAYS (ЭF

To terminate the Claimant's MA-P/SDA

William A. Súndquist Administrative Law Judge For Maura Corrigan, Director Department of Human Services

William A

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Date Signed: February 12, 2013

Date Mailed: February 12, 2013

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 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 ot her relevant iss ues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings Recons ideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

WAS/tb

