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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-75953 2021 January 10, 2013 Saginaw County DHS
ADMINISTRATIVE LAW JUDGE: Carmen G. Fa	hie	
HEARING DECI	SION	
This matter is before the undersigned Administrat and MCL 400.37 following Claimant's request telephone hearing was held on Thursday, Janua Participants on behalf of Claimant included the cauthorized representative since the August 23, 2012.Participants on behalf of Departicipants on behalf of Departicipants.	for a hearing. ary 10, 2013 from claimant's son, po claimant was	After due notice, a Lansing, Michigan. wer of attorney, and deceased on
<u>ISSUE</u>		
Due to excess assets, did the Department prope close Claimant's case for:	rly 🛚 deny the C	laimant's application
☐ Family Independence Program (FIP)? ☐ Medical Assistance (MA)? ☐ Food Assistance Program (FAP)?		Assistance (AMP)? Assistance (SDA)?
FINDINGS OF F	ACT	
The Administrative Law Judge, based on the evidence on the whole record, including the testi fact:		
Claimant ⊠ applied for benefits ☐ received b	enefits for:	
 ☐ Family Independence Program (FIP). ☐ Medical Assistance (MA). ☐ Food Assistance Program (FAP). 		Assistance (AMP). Assistance (SDA).

2.	Due to excess assets, on July 27, 2012, the Department ☐ denied Claimant's application. ☐ closed Claimant's case.
3.	On July 27, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
4.	On August 14, 2012, Claimant filed a hearing request, protesting the ⊠ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	partment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM), and the Reference Tables Manual (RFT).
	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> .
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) 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.
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). e Department (formerly known as the Family Independence Agency) administers the A program pursuant to MCL 400.10, <i>et seq.</i> , 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.
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 ency) administers FAP pursuant to MCL 400.10, et seq., and 1997 AACS R 0.3001-3015.

Additionally, the claimant filed an application for MA on January 19, 2012, but it was not processed by the department caseworker until June 11, 2012. This was beyond the 45 days standard of promptness as is required in policy. However, the department processes application on a first come, first serve basis. With the huge volume of

applications filed, the claimant's application was unfortunately not processed until 5 months after the application was submitted. The policy requirements for the income and assets for MA are available to the general public on-line and if requested at the local office.

Once notified that the claimant was over asset, the claimant's son was very diligent and expeditious in lowering her asset level so that the claimant qualified for MA for the month of June 2012. However, the claimant was over asset from January 2012 through May 2012. The claimant was disadvantaged by her application not being processed timely, but the claimant did have excess assets for the contested time period.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that, due to excess assets, the Department properly denied Claimant's application improperly denied Claimant's application properly closed Claimant's case improperly closed Claimant's case for: \square AMP \square FIP \boxtimes MA \square SDA \square FAP. **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 \boxtimes did act properly. \square did not act properly. Accordingly, the Department's \square AMP \square FIP \boxtimes MA \square SDA \square FAP decision is ☐ AFFIRMED ☐ REVERSED for the reasons stated on the record. /s/ Carmen G. Fahie Administrative Law Judge

For Maura Corrigan, Director Department of Human Services

Date Signed: January 13, 2013

Date Mailed: January 14, 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

CGF/hj

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