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:	2012-76770 2006 January 22, 2013 Ingham County DHS
ADMINISTRATIVE LAW JUDGE:	Carmen G. Fa	hie	
<u>H</u>	IEARING DECI	SION	
This matter is before the undersignand MCL 400.37 following Claim telephone hearing was held on Telephone hearing was held on Telephone hearing was held on Telephone from L&S (L&S) Associated the partment of the control of the cont	nant's request Tuesday, Janua nt included the ociate <u>s, Inc. Pa</u>	for a hearing. ry 22, 2013, from claimant's author	After due notice, a Lansing, Michigan. rized representative,
	ISSUE		
Due to a failure to comply with properly ⊠ deny Claimant's applic benefits for:		•	<u> </u>
☐ Family Independence Program ☐ Food Assistance Program (FAI ☐ Medical Assistance (MA)?	ı (FIP)?	•	ssistance (SDA)? ent and Care (CDC)?
<u> </u>	INDINGS OF F	ACT	
The Administrative Law Judge, b evidence on the whole record, incl	•		
1. Claimant ⊠ applied for □ was	receiving: F	TIP □FAP ☑MA	□SDA □CDC.
The department could not app to cooperate and was in nonce the Bridges system where the o	ompliance with	the Office of Chil	d Support (OCS) on

3.	On June 12, 2012, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits for failure to comply with OCS.
4.	On June 12, 2012, the Department sent notice of the ☐ denial of Claimant's application. ☐ closure of Claimant's case. ☐ reduction of Claimant's benefits.
5.	On September 5, 2012, Claimant filed a hearing request, protesting the \boxtimes denial. \square closure. \square reduction.
	CONCLUSIONS OF LAW
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility 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 Work 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, R 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
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 lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 ough Rule 400.3015.
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, et seq., 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.
	The Child Development and Care (CDC) program is established by Titles IVA, IVE d 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 1999 AC, R 400.5001 through Rule 400.5015.

Additionally, the department stated that the claimant failed to comply with child support, and did receive the notice from OCS. The claimant was not present at the hearing. L&S could provide no written verification that the claimant was in compliance with OCS during the contested time period of October 2011. The Bridges system does not have the claimant in compliance until November 1, 2011.

Therefore, the department has met its burden that the claimant was not eligible for MA for the month of October 2011 because she was in noncompliance with OCS until November 1, 2011.

November 1, 2011.
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 the Department properly improperly
☐ 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 reasons stated on the record, finds that the Department \square did act properly. \square did not act properly.
Accordingly, the Department's decision is \boxtimes AFFIRMED \square 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 28, 2013
Date Mailed: January 28, 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 receipt 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. (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 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CGF/hj

CC:

