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

### IN THE MATTER OF:



Reg. No.:	2013-17340
Issue No.:	2001
Case No.:	
Hearing Date:	May 2, 2013
County:	Wayne (55)
Issue No.: Case No.: Hearing Date:	May 2, 2013

## ADMINISTRATIVE LAW JUDGE: Jan Leventer

## **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 May 2, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and Claimant's son and interpreter. Participants on behalf of the Department of Human Services (Department) included Assistance Payments Worker.

On May 21, 2013, the case was reassigned to Administrative Law Judge Jan Leventer for preparation of a decision and order.

#### <u>ISSUE</u>

Did the	Department	properly [	] deny	Claimant's	application	$\boxtimes$ cl	ose C	Claimant's	case
for:									

Family Independence Program (FIP)?

Food Assistance Program (FAP)?

Medical Assistance (MA)?

Adult Medical Assistance (AMP)?

State Disability Assistance (SDA)?

Child Development and Care (CDC)?

## FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant  $\square$  applied for benefits  $\square$  received benefits for:

Family Independence Program (FIP).

Food Assistance Program (FAP).

Medical Assistance (MA).

 $\boxtimes$  Adult Medical Assistance (AMP).

State Disability Assistance (SDA).

Child Development and Care (CDC).

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- On January 1, 2013, the Department

   denied Claimant's application
   closed Claimant's case
   due to a determination that Claimant failed to provide current income and expense
   information to the Department.
- On November 29, 2013, the Department sent
   □ Claimant □ Claimant's Authorized Representative (AR) □ denial. □ denial.
- 4. On December 7, 2012, Claimant filed a hearing request, protesting the ☐ denial of the application. ⊠ closure of the case.

#### CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

 $\boxtimes$  The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq*.

Additionally, Bridges Administrative Manual (BAM) 105, "Rights and Responsibilities," requires the Department to determine eligibility, provide benefits and protect client rights. BAM 105 also requires customers to cooperate with all Department requests for documentation of information necessary to determine eligibility and provide benefits. Department of Human Services Bridges Administrative Manual (BAM) 105 (2013).

The Claimant failed to respond to the request by the deadline of November 1, 2012. At the hearing the Claimant could not explain why he did not provide the requested information in a timely fashion. Furthermore, the Claimant did not submit the requested information at the hearing.

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 denied Claimant's application	improperly denied Claimant's application
properly closed Claimant's case	improperly closed Claimant's case

for:		FIP	] FAP [	MA	SDA	CDC.
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# 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  $\boxtimes$  AMP  $\square$  FIP  $\square$  FAP  $\square$  MA  $\square$  SDA  $\square$  CDC decision is  $\boxtimes$  AFFIRMED  $\square$  REVERSED for the reasons stated on the record.

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

Date Signed: June 12, 2013

Date Mailed: June 12, 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. (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 affect the substantial rights of the claimant:
  - 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

JL/cl

