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:	2013-1781 2006 January 3, 2013 Oakland (63-02)
ADMINISTRATIVE LAW JUDGE: Michael J.	. Bennane	
HEARING D	DECISION	
This matter is before the undersigned Admini and MCL 400.37 following Claimant's requtelephone hearing was held on January 3, 20 behalf of Claimant included Claimant and Department of Human Services (Department)	uest for a hearing. 112, from Detroit, Mich Participa	After due notice, a
<u>ISSL</u>	<u>JE</u>	
Did the Department properly deny Claims for:	ant's application ⊠ c	lose Claimant's case
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?	State Disability A	sistance (AMP)? Assistance (SDA)? ent and Care (CDC)?
FINDINGS (OF FACT	
The Administrative Law Judge, based on evidence on the whole record, finds as materi	•	rial, and substantial
Claimant ☐ applied for benefits ☒ receive	ed benefits for:	
 ☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☑ Medical Assistance (MA). 	State Disability	ssistance (AMP). Assistance (SDA). ent and Care (CDC).
2. On October 1, 2012, the Department ☐ denied Claimant's application ☐ claim to failure to complete redetermination	losed Claimant's case forms.	

3. On September 17, 2012, tl ☐ Claimant ☐ Claima notice of the ☐ denial	ant's Authorized Representative (AR)
	Claimant filed a hearing request, protesting the n. \boxtimes closure of the case.
	CONCLUSIONS OF LAW
•	tained in the Bridges Administrative Manual (BAM), the M), and the Reference Tables Manual (RFT).
Responsibility and Work Opp 42 USC 601, et seq. The D Agency) administers FIP purs	Program (FIP) was established pursuant to the Personal portunity Reconciliation Act of 1996, Public Law 104-193, Department (formerly known as the Family Independence uant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 replaced the Aid to Dependent Children (ADC) program
program] is established by implemented by the federal Regulations (CFR). The De	ogram (FAP) [formerly known as the Food Stamp (FS) the Food Stamp Act of 1977, as amended, and is regulations contained in Title 7 of the Code of Federal epartment (formerly known as the Family Independence ursuant to MCL 400.10, et seq., and 1999 AC, Rule 015.
Security Act and is implement The Department of Human	MA) program is established by the Title XIX of the Social ted by Title 42 of the Code of Federal Regulations (CFR). Services (formerly known as the Family Independence program pursuant to MCL 400.10, et seq., and MCL
	gram (AMP) is established by 42 USC 1315, and is ent pursuant to MCL 400.10, et seq.
for disabled persons, is esta Services (formerly known as	tance (SDA) program, which provides financial assistance ablished by 2004 PA 344. The Department of Human the Family Independence Agency) administers the SDA 00.10, et seq., and 2000 AACS, Rule 400.3151 through
and XX of the Social Securi 1990, and the Personal Respo The program is implemented and 99. The Department pr	nd Care (CDC) program is established by Titles IVA, IVE ty Act, the Child Care and Development Block Grant of consibility and Work Opportunity Reconciliation Act of 1996. by Title 45 of the Code of Federal Regulations, Parts 98 rovides services to adults and children pursuant to MCL 400.5001 through Rule 400.5015.

On August 14, 2012, the Department sent Claimant a redetermination packet to be returned by September 4, 2012. The redetermination packet was returned on September 27, 2012.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. BAM 130, p. 3; (October 1, 2012).

In the instant case, Claimant's representative testified at the hearing that the reason for the delay in returning the redetermination form was due to someone in the family moving.

The representative could not address whether the Department had been notified of the delay and the reason for it.

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 ☐ improperly closed Claimant's case ☐ improperly closed Claimant's case				
for:				
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 \infty \text{did act properly.} \text{did not act properly.}				
Accordingly, the Department's \square AMP \square FIP \square FAP \boxtimes MA \square SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.				

Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 11, 2013

Date Mailed: March 11, 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 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

MJB/pf

