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

DEPARTMENT OF HUMAN SERVICES		
IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201320219 1038 January 30, 2013 Macomb #36
ADMINISTRATIVE LAW JUDGE: Kevin Scully		
HEARING DECISION		
This matter is before the undersigned Administration and MCL 400.37 following Claimant's request telephone hearing was held on January 30, 2013, on behalf of Claimant included translator. Participants on behalf of Department included.	for a hearing. from Lansing, Mi	After due notice, a chigan. Participants the Claimant's
ISSUE		
Did the Department properly \square deny Claimant's application \boxtimes close Claimant's case for:		
Food Assistance Program (FAP)?		sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?
FINDINGS OF FA	<u>ACT</u>	
The Administrative Law Judge, based on the evidence on the whole record, finds as material fac		rial, and substantia
1. Claimant ☐ applied for benefits ☒ Cash Assistance, ☐ Adult Medi Assistance Program (FAP), ☐ ☐ Medical Assistance (MA), ☐ Chi	cal Assistance State Disability	(AMP), Social Food Assistance (SDA)

On October 11, 2012, the Department 🗌 denied Claimant's application

☑ closed Claimant's case due to noncompliance with the JET program.

2.

3.	On October 11, 2012, the Department sent \boxtimes Claimant \square Claimant's Authorized Representative (AR) notice of the \square denial. \boxtimes closure.
4.	On December 17, 2012, Claimant filed a hearing request, protesting the \square denial of the application. \boxtimes closure of the case.
	CONCLUSIONS OF LAW
•	policies are contained in the Bridges Administrative Manual (BAM), the ibility Manual (BEM), and the Reference Tables Manual (RFT).
U.S. Congre Regulations Human Serv RAP progra	rugee Assistance Program (RAP) is a federal program established by the ess pursuant to The Immigration and Nationality Act and the Code of Federal 45 CFR 400 and P.L. 106-386 of 2000, Section 107. The Department of vices (formerly known as the Family Independence Agency) administers the Imm. Department policies are found in the Bridges Administrative Manual Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).
program] is implemented Regulations	od Assistance Program (FAP) [formerly known as the Food Stamp (FS) sestablished by the Food Stamp Act of 1977, as amended, and is d by the federal regulations contained in Title 7 of the Code of Federal (CFR). The Department (formerly known as the Family Independence ministers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 et 400.3015.
Security Act The Depart	dical Assistance (MA) program is established by the Title XIX of the Social and is implemented by Title 42 of the Code of Federal Regulations (CFR). ment of Human Services (formerly known as the Family Independence ministers the MA program pursuant to MCL 400.10, et seq., and MCL
	lult Medical Program (AMP) is established by 42 USC 1315, and is d by the Department pursuant to MCL 400.10, et seq.
for disabled Services (fo	re Disability Assistance (SDA) program, which provides financial assistance persons, is established by 2004 PA 344. The Department of Human armerly known as the Family Independence Agency) administers the SDA resuant to MCL 400.10, et seq., and 2000 AACS, R 400.3151 through Rule
and XX of 1990, and the program and 99.	d Development and Care (CDC) program is established by Titles IVA, IVE the Social Security Act, the Child Care and Development Block Grant of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In is implemented by Title 45 of the Code of Federal Regulations, Parts 98 the Department provides services to adults and children pursuant to MCL and 1999 AC, R 400.5001 through Rule 400.5015.

noncompliance with the JET program based on the information available to the Department at the time the triage meeting was held. 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, \boxtimes improperly closed Claimant's case for: \square AMP \bowtie REFUGEE CASH ASSISTANCE \bowtie FAP \bowtie MA \bowtie SDA \bowtie CDC. **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 did not act properly. did act properly. Accordingly, the Department's ☐ AMP ☒ REFUGEE CASH ASSISTANCE ☒ FAP ☐ MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record. THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER: 1. Delete the negative action from the Claimant's benefits case file. 2. Initiate a determination of the Claimant's eligibility for Refugee Case Assistance and the Food Assistance Program (FAP) as of November 1, 2012. 3. Provide the Claimant with written notification of the Department's revised eligibility determination. 4. Issue the Claimant any retroactive benefits he may be eligible to receive, if any. /s/ **Kevin Scully** Administrative Law Judge For Maura Corrigan, Director Department of Human Services Date Signed: February 5, 2013

Additionally, this Administrative Law Judge finds good cause for the Claimant's

Date Mailed: February 5, 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

KS/tb

CC:

