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

DEFARTMENT OF HOMA	NUSERVICES		
IN THE MATTER OF:			
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-23251 4008 May 15, 2013 Wayne (49)	
ADMINISTRATIVE LAW JUDGE: Jan Leventer			
HEARING DECIS	<u>SION</u>		
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 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included Specialists.			
<u>ISSUE</u>			
Did the Department properly $\square$ deny Claimant's application $\boxtimes$ close Claimant's case for:			
Food Assistance Program (FAP)?		sistance (AMP)? .ssistance (SDA)? ent and Care (CDC)?	
FINDINGS OF FA	<u>ACT</u>		
The Administrative Law Judge, based on the cevidence on the whole record, finds as material face	•	rial, and substantial	
<ol> <li>Claimant ☐ applied for benefits ☒ received be</li> </ol>	nefits for:		

☐ Adult Medical Assistance (AMP).☐ State Disability Assistance (SDA).

☐ Child Development and Care (CDC).

Family Independence Program (FIP). Food Assistance Program (FAP).

Medical Assistance (MA).

2.	On February 1, 2013, the Department ☐ denied Claimant's application ☐ closed Claimant's case due to a criminal justice system disqualification.
3.	On December 1, 2012, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.
4.	On January 10, 2013, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human rvices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 2000 AACS, Rule 400.3151 through the 400.3180.
set or De sta	ditionally, Bridges Eligibility Manual (BEM) 203, "Criminal Justice Disqualifications," its forth the Department policy regarding whether and when the Department will limit terminate benefits to persons having contact with the criminal justice system. Epartment of Human Services Bridges Eligibility Manual (BEM) 203 (2011). BEM 203 attes that a fugitive felon is a person who is subject to arrest under an outstanding arrant from a felony charge. <i>Id.</i> , p. 1.
Cla Ba de	the case before the factfinder, it is undisputed that at the time the Department closed aimant's benefits, he was a fugitive felon and he was not eligible for those benefits, sed on the undisputed fact that Claimant was a fugitive felon, it is found and termined that the Department acted correctly in terminating SDA benefits for that ason. The Department's action in this case is affirmed.
	sed upon the above Findings of Fact and Conclusions of Law, and for the reasons ted on the record, the Administrative Law Judge concludes that the Department
	properly denied Claimant's application properly closed Claimant's case improperly closed Claimant's case
for	: ☐ AMP ☐ FIP ☐ FAP ☐ MA ☒ SDA ☐ CDC.

Date Mailed: June 4, 2013

## **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  AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.
Jan Coentr
Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services
Date Signed: June 3, 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/tm

