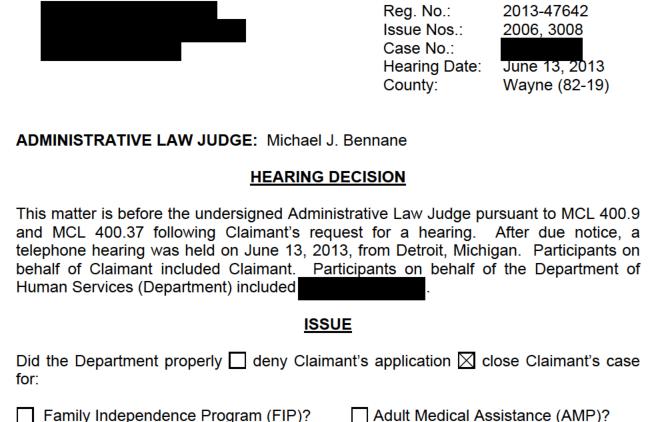
# STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

### IN THE MATTER OF:

Food Assistance Program (FAP)?

Medical Assistance (MA)?



# **FINDINGS OF FACT**

State Disability Assistance (SDA)?

Child Development and Care (CDC)?

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

evidence on the whole record, illius as material fact.		
<ol> <li>Claimant ☐ applied for benefits ☒ receive</li> </ol>	ed benefits 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)	

2.	On June 1, 2013, the Department   denied Claimant's application   due to failure to verify.	
3.	On May 15, 2013, 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).		
☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3001 through Rule 400.3015.		
Se Th Ag	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 of Human Services (formerly known as the Family Independence lency) administers the MA program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 0.105.	
The Department failed to provide a copy of the notice of case action. In addition, Claimant requested a hearing to discuss FAP and MA benefits but, at hearing, there was no documentation as to what action was taken by the Department other than its representative's testimony that Claimant's FAP case closed June 1, 2013. There is no evidence of a negative action taken against Claimant's MA benefits.		
	Adequate Notice	
	An adequate notice is a written notice sent to the client at the same time an action takes effect (not pended). Adequate notice is given in the following circumstances BAM 220, (November 2012).	
	the instant case, there is no evidence that the Department properly notified Claimant the negative action taken.	
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 properly closed Claimant's case ☐ improperly denied Claimant's application ☐ 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 did act properly.
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ FAP $\boxtimes$ MA $\square$ SDA $\square$ CDC decision is $\square$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.
$\hfill \square$ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
<ol> <li>Initiate reinstatement of Claimant's FAP back to June 1, 2013, and, if the Department took a negative action with regards to Claimant's MA, initiate reinstatement of his MA as well.</li> </ol>
min
Michael J. Bennane Administrative Law Judge
for Maura Corrigan, Director

Date Signed: June 27, 2013

Date Mailed: June 27, 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)

Department of Human Services

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,

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- 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

## MJB/pf

