## 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:	2013-729 3019 November 15, 2012 Oakland (02)				
ADMINISTRATIVE LAW JUDGE: Susan C. Burke						
HEARING DECI	SION					
This matter is before the undersigned Administration and MCL 400.37 following Claimant's request telephone hearing was held on November Participants on behalf of Claimant included Claim behalf of the Department of Human Services (Department)	for a hearing. 15, 2012, from ant and	After due notice, a Detroit, Michigan. Participants on				
<u>ISSUE</u>						
Did the Department properly $\square$ deny Claimant's application $\boxtimes$ close Claimant's case $\square$ calculate Claimant's benefits for:						
Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)?	Adult Medical Ass State Disability As Child Developme					
FINDINGS OF F	ACT					
The Administrative Law Judge, based on the evidence on the whole record, finds as material fa	•	rial, and substantial				
Claimant ☐ applied for benefits ☒ received b	enefits for:					
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA).	=	esistance (AMP). Assistance (SDA). Ent and Care (CDC).				

<ol><li>On July 1, 2012, the Department sanctioned Claimant' Intentional Program Violation agreement signed by Clain</li></ol>	•
3. On July 1, 2012, the Department closed Claimant's FAP	case.
<ol> <li>On September 21, 2012, Claimant filed a hearing reques</li> <li>☐ denial of the application. ☐ closure of the case. ☐</li> </ol>	
CONCLUSIONS OF LAW	
Department policies are contained in the Bridges Admini Bridges Eligibility Manual (BEM), and the Reference Tables	,
☐ The Family Independence Program (FIP) was establish Responsibility and Work Opportunity Reconciliation Act of 42 USC 601, et seq. The Department (formerly known a Agency) administers FIP pursuant to MCL 400.10, et seq., a through Rule 400.3131. FIP replaced the Aid to Dependent effective October 1, 1996.	of 1996, Public Law 104-193, as the Family Independence and 1999 AC, Rule 400.3101
∑ The Food Assistance Program (FAP) [formerly known program] is established by the Food Stamp Act of 1 implemented by the federal regulations contained in Title Regulations (CFR). The Department (formerly known as Agency) administers FAP pursuant to MCL 400.10, et 400.3001 through Rule 400.3015.	1977, as amended, and is le 7 of the Code of Federal as the Family Independence
☐ The Medical Assistance (MA) program is established b Security Act and is implemented by Title 42 of the Code of The Department of Human Services (formerly known as Agency) administers the MA program pursuant to MCL 400.105.	of Federal Regulations (CFR). as the Family Independence
☐ The Adult Medical Program (AMP) is established administered by the Department pursuant to MCL 400.10, e	
☐ The State Disability Assistance (SDA) program, which program to disabled persons, is established by 2004 PA 344.  Services (formerly known as the Family Independence Agrogram pursuant to MCL 400.10, et seq., and 2000 AAR Rule 400.3180.	The Department of Human agency) administers the SDA
☐ The Child Development and Care (CDC) program is estand XX of the Social Security Act, the Child Care and Development and the Personal Responsibility and Work Opportunity The program is implemented by Title 45 of the Code of February 1981.	Development Block Grant of ity Reconciliation Act of 1996.

and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

In the present case, Claimant did not deny that she signed an Intentional Program Violation repay agreement on June 29, 2012. (Exhibit 4) The Department then sanctioned Claimant's FAP case from July 1, 2012 to June 30, 2013. (Exhibit 2) BAM 720, p. 12 allows for disqualifying a FAP recipient pursuant to an agreement signed by the FAP recipient. The Department was therefore correct in closing Claimant's case, effective July 1, 2012.

Claimant states that she is having difficulty with making the payments owed on the repayment agreement, but that issue is beyond the scope of this Administrative Law

Judge's jurisdiction.
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 properly calculated Claimant's benefits
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 not act properly. ☑ did not act properly.
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ FAP $\square$ MA $\square$ SDA $\square$ CDC decision is $\boxtimes$ AFFIRMED $\square$ 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:
Jusa C. Buch

Susan C. Burke Administrative Law Judge

for Maura Corrigan, Director Department of Human Services

Date Signed: 11/21/2012

Date Mailed: 11/21/2012

**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 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

## SCB/hw

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