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

| DEL ARTIMENT OF HOMAN GENTIGES | | | |
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| IN THE MATTER OF: | | | |
| | Reg. No.: Issue No.: Case No.: Hearing Date: County: | 20138146 2006, 3008 January 15, 2013 Oakland | |
| ADMINISTRATIVE LAW JUDGE: Kevin Scully | | | |
| HEARING DECISION | | | |
| This matter is before the undersigned Administrative and MCL 400.37 following Claimant's request telephone hearing was held on January 15, 2013, on behalf of Claimant included on behalf of Department of Human Services (Department of Human Services) | for a hearing. from Lansing, Mi | After due notice, a chigan. Participants . Participants | |
| <u>ISSUE</u> | | | |
| Due to a failure to comply with the verification requirements, did the Department properly ☑ deny Claimant's application ☐ close Claimant's case ☐ reduce Claimant's benefits for: | | | |
| | | ssistance (SDA)? ent and Care (CDC)? | |
| FINDINGS OF FACT | | | |
| The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact: | | | |
| Claimant ∑ applied for ☐ was rec ☐CDC. | eiving: □FIP ∑ | JFAP ⊠MA □SDA | |

Claimant was required to submit requested verification by October 11, 2012.

2.

(DHS-3503).

Claimant 🛛 was 🔲 was not provided with a Verification Checklist

| 4. | On October 12, 2012, the Department \square denied Claimant's application \square closed Claimant's case \square reduced Claimant's benefits for failure to submit verification in a timely manner. |
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| 5. | On October 12, 2012, the Department sent notice of the \boxtimes denial of Claimant's application. \square closure of Claimant's case. \square reduction of Claimant's benefits. |
| 6. | On October 23, 2012, Claimant filed a hearing request, protesting the \boxtimes denial. \square closure. \square reduction. |
| | CONCLUSIONS OF LAW |
| • | policies are found in the Bridges Administrative Manual (BAM), the Bridges nual (BEM) and the Reference Tables Manual (RFT). |
| Responsibilit 42 USC 601 Agency) adn through Rule | ily Independence Program (FIP) was established pursuant to the Personal by and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, et seq. The Department (formerly known as the Family Independence ninisters FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 e 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ober 1, 1996. |
| program] is implemented Regulations | d Assistance Program (FAP) [formerly known as the Food Stamp (FS) established by the Food Stamp Act of 1977, as amended, and is by the federal regulations contained in Title 7 of the Code of Federal (CFR). The Department (formerly known as the Family Independence ninisters FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 e 400.3015. |
| Security Act The Departm | ical 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). nent (formerly known as the Family Independence Agency) administers the pursuant to MCL 400.10, et seq., and MCL 400.105. |
| for disabled as the Famil | e Disability Assistance (SDA) program which provides financial assistance persons is established by 2004 PA 344. The Department (formerly known by Independence Agency) administers the SDA program pursuant to MCL eq., and 2000 AACS, R 400.3151 through Rule 400.3180. |
| and XX of t 1990, and th | d Development and Care (CDC) program is established by Titles IVA, IVE he Social Security Act, the Child Care and Development Block Grant of e Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In is implemented by Title 45 of the Code of Federal Regulations, Parts 98 |

Date Mailed: January 17, 2013

| and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015. |
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| 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 \boxtimes properly \square improperly \square closed Claimant's case. \boxtimes denied Claimant's application. \square reduced Claimant's benefits. |
| 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 \boxtimes did act properly. \square did not act properly. |
| Accordingly, the Department's decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record. |
| /s/ Kevin Scully Administrative Law Judge For Maura Corrigan, Director Department of Human Services |
| Date Signed: January 17, 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 receipt 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:

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 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

