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

IN THE MATTER OF:

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-16133 2021 May 2, 2013 Marquette County DHS		
ADMINISTRATIVE LAW JUDGE: Carmen G. Fal	nie			
HEARING DECISION				
This matter is before the undersigned Administ rational MCL 400.37 following Claim ant's request for elephone hearing was held on Thursday, Markicipants on behalf of Claim ant included the representative, power of at torney, and guardian, daughter, Participants on behalf Department) included APSp and	or a hearing. Afte y 2, 2013 from La claimant's daught	r due notice, a nsing, Michigan. er and authorized and the claimant' s		
ISSUE				
Due to excless assets, dild the Department proper close Claimant's case for:	ly 🛚 deny the Cl	aimant's app lication		
Family Independence Program (FIP)? Medical Assistance (MA)? Food Assistance Program (FAP)?		Assistance (AMP)? Assistance (SDA)?		
FINDINGS OF FACT				
The Administrative Law Judge, based on the cevidence on the whole record, including the test in act:		•		
I. Cla imant ⊠ applied for benefits □ received benefits for:				
☐ Family Independence Program (FIP). ☐ Medical Assistance (MA). ☐ Food Assistance Program (FAP).		Assistance (AMP). Assistance (SDA).		
 Due to excess assets, on November 15, 2012, ☑ denied Claimant's application. ☐ closed	the Department I Claimant's case			

 On November 15, 2012, the Department sent ☐ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ closure. 	
4. On November 26, 2012, Claimant filed a hearing request, protesting the ⊠ denial of the application. ☐ closure of the case.	
CONCLUSIONS OF LAW	
Department policies are found in the Bridges Administrative Manual (BAM), the Bridge Eligibility Manual (BEM), and the Reference Tables Manual (RFT).	es
☐ The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, <i>et seq</i> .	
The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-19342 USC 601, et seq. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.	3, ? 1
☐ The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc is Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105.).
☐ The State Disabilit y Assistance (SDA) program, which provides financial assistant for disabled persons, is established by 2004 PA 344. The Department (formerly know as the F amily Independence Agency) administ ers the SDA program pursuant to M € 400.10, et seq., and 2000 AACS, R 400.3151 through Rule 400.3180.	n
☐ The Food Assistanc e Program (FAP) [form erly known as the Food Stamp (FS) program] is establis hed by the Food St amp Act of 1977, as amend ed, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independenc Agency) administers FAP pur suant to MCL 400. 10, et seq., and 1997 AACS R 400.3001-3015.	
Additionally, the claimant applied for MA Long Term Care (LTC) on June 5, 2012. The Initial Asset Assessment was not completed by the department until November 8, 2012 that determined a protected spousal amount of and total assets of which resulted in the claimant have excess assets over the asset limit for a couple of Coupl	d. t t

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should have returned their calls. However, this does not change the fact that the claimant had excess assets for the contested time period. BEM 400.
Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that, due to excess assets, the Department
 □ properly denied Claimant's application □ properly closed Claimant's case □ 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 \infty \text{did act properly.} \text{did not act properly.}
Accordingly, the Department's AMP FIP MA SDA FAP decision is AFFIRMED REVERSED for the reasons stated on the record.
/s/ Carmen G. Fahie Administrative Law Judge For Maura Corrigan, Director Department of Human Services Date Signed: May 13, 2013

Date Mailed: May 13, 2013

NOTICE: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request.

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 ti mely 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, math ematical error, or other obvious errors in the he aring 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

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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