

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

IN THE MATTER OF:



Reg. No.: 2013-18700
Issue No.: 5005
Case No.: [REDACTED]
Hearing Date: May 15, 2012
County: Montcalm

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

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 Wednesday, May 15, 2013 from Lansing, Michigan. Participants on behalf of Claimant included the claimant's father, [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] ES.

ISSUE

Due to excess income, did the Department properly deny the Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|---|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> State Emergency Relief (SER)? | |

FINDINGS OF FACT

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

1. Claimant applied for benefits for: received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |
| <input checked="" type="checkbox"/> State Emergency Relief (SER) | |

2. On December 4, 2012, the Department denied Claimant's SER application closed Claimant's case reduced Claimant's FAP benefits due to failure to provide verification

3. On December 4, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure. reduction.
4. On December 10, 2012, Claimant or Claimant's A HR filed a hearing r equest,
protesting the
 denial of the application. closure of the case. reduction of benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Br idges Administrative Manual (BAM), the
Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Adult Medical Program (AMP) is established by 42 USC 1315, and is
administered by the Department pursuant to MCL 400.10, *et seq.*

The Family Independence Program (FIP) was established pursuant to the Personal
Responsibility and Work Opportunity Reconc iliation Act of 1996, Public Law 104-193,
42 USC 601, *et seq.* The Department (formerly k nown as the Family Independence
Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3101-
3131. FI P replac ed the Aid to Depe ndent Children (ADC) program effective
October 1, 1996.

The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS)
program] is establis hed by the Food Stamp Act of 1977, as amended, 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 e
Agency) administers FAP pur suant to MCL 400. 10, *et seq.*, and 1997 AACS R
400.3001-3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial
Security Act and is im plemented 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) progr am, which provides financial ass istance
for disabled persons, is establis hed by 2004 PA 344. The Department (formerly known
as the F amily Independence Agency) admini sters the SDA program pursuant to M CL
400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE
and XX of the Soc ial Security Act, the Ch ild Care and Developm ent Block Grant of
1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
The program is implemented by Title 45 of the Code of Fede ral Regulations, Parts 98
and 99. T he Department provides servic es to adult s and children pursuant to MCL
400.14(1) and 1997 AACS R 400.5001-5015.

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by, 1999 AC, R 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, the claimant passed away on October 16, 2012. The claimant's father applied for SER for burial on November 16, 2012. On November 16, 2012, the department caseworker sent a Verification Checklist, DHS 3503, requesting verification of savings account that was due by November 23, 2012. Department Exhibit 4-6. On December 4, 2012, the claimant's application was denied for failure to provide verification to determine SER eligibility. Department Exhibit 1-3. ERM 101, 102, 103, 205, and 206.

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, due to excess income, the Department properly improperly

- denied Claimant's application
- reduced Claimant's benefits
- closed Claimant's case

for: AMP FIP FAP MA SDA CDC SER.

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 did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC SER. 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 28, 2013

Date Mailed: May 28, 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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 **MAY** 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

CGF/hj

cc:

