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 DHS:

3015, 2018

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 the property of Claimant included and the property of Human Services (Department) included to the property of Human

ISSUE

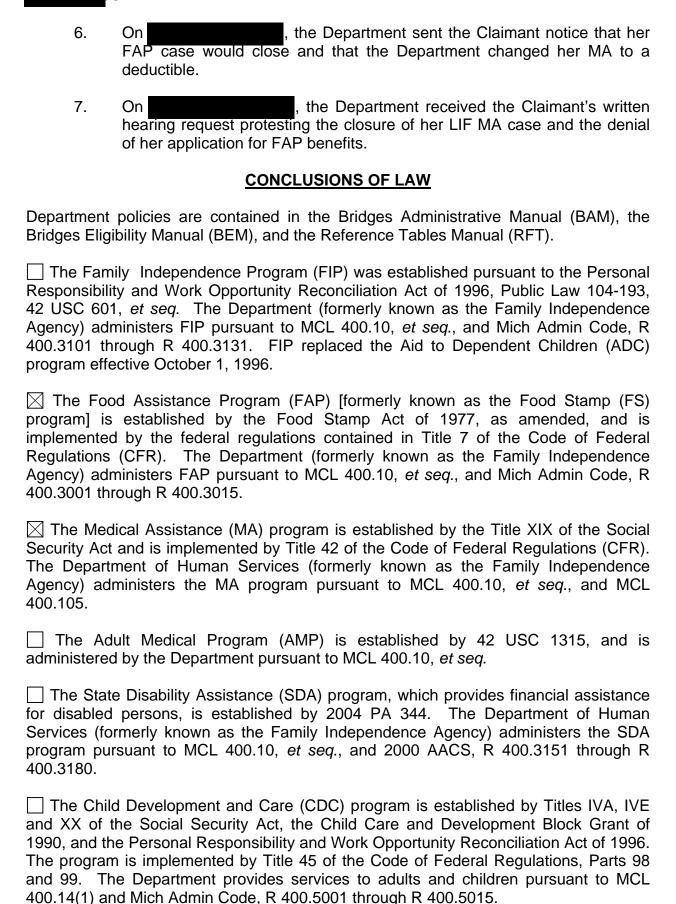
Did the Department properly take action to close the Claimant's Food Assistance Program (FAP) case and properly take action to close the Claimant's Low Income Family (LIF) Medical Assistance (MA) case and open a MA case with a deductible?

FINDINGS OF FACT

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

- The Claimant was an on-going recipient of LIF MA benefits.
- 2. At some point in time, the Claimant applied for FAP and MA benefits, as she testified that her medical bills were not being paid by the Department.
- The net income for Claimant's group is \$
- 4. The net income limit for the Claimant's group size is \$
- 5. At some point in time, the Department placed the Claimant's LIF MA case into spend down status.

/SEH



The Department bears the burden of proving, by a preponderance of the evidence that the departmental action taken is in accordance with departmental policy. In this case, the budget in evidence establishes that the Claimant's household has excess income for FAP benefits and the denial of the Claimant's FAP application is found to be in accordance with departmental policy.

The Claimant initially contested the amount of income attributed to her daughter in the FAP budget, however, as the hearing progressed she conceded that her daughter's income was likely accurate. The FAP budget in evidence establishes that Claimant's household composition consists of three persons and a net income for the group of The Department therefore has met its burden of proving that the Claimant's FAP case was closed in accordance with departmental policy.

testified that the Claimant has excess income for LIF MA and her case was therefore placed into spend-down status requiring her to spend per month before she can receive MA benefits. There is no MA budget included in the evidence. There is also no information in evidence as to when it was that the Claimant's MA case was placed into spend-down status. As such, the Department did not meet its burden of proving that the Claimant's LIF MA case was properly placed into spend-down status and therefore in accordance with departmental policy.

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:
 \int \text{did act properly when denying the Claimant's application for FAP benefits.} \int \text{did not act properly when placing the Claimant's active LIF MA case into spend-down status.}
Accordingly, the Department's \square AMP \square FIP \boxtimes FAP \square MA \square SDA \square CDC decision is:
Accordingly, the Department's \square AMP \square FIP \square FAP \boxtimes MA \square SDA \square CDC decision is:
☐ AFFIRMED. ☑ REVERSED.
☑ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF

THE DATE OF MAILING OF THIS DECISION AND ORDER:

 The Department shall initiate action to reinstate the Claimant's LIF MA benefits retroactive to the date her LIF MA case was placed into spenddown status.

/s/

Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: <u>02/06/2013</u> Date Mailed: <u>02/06/2013</u>

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 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 <u>MAY</u> 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

SEH/kl

CC:

