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:
ADMINISTRATIVE LAW JUDGE: Susanne E	E. Harris
HEARING D	ECISION
on behalf of Claimant included of Human Services (Department) included At the onset of the hearing,	est for a hearing. After due notice, a , from Participants on behalf of Department testified that there was no negative edependence Program (F IP) or Medical ted dismissal of those iss ues. The
<u>ISSU</u>	<u>E</u>
Did the Departm ent properly deny Claima for:	n t's application 🛛 close Claimant's case
☐ Family Independence Program (FIP)?☐ Food Assistance Program (FAP)?☐ Medical Assistance (MA)?	☐ Adult Medical Assistance (AMP)?☐ State Disability Assistance (SDA)?☐ Child Development and Care (CDC)?
FINDINGS C	OF FACT
The Administrative Law Judge, based on t evidence on the whole record, finds as materia	he competent, material, and substantial al fact:
1. Cla imant ☐ applied for benefits ☒ receive	ed benefits for:
☐ Family Independence Program (FIP).☐ Food Assistance Program (FAP).☐ Medical Assistance (MA).	☐ Adult Medical Assistance (AMP).☐ State Disability Assistance (SDA).☐ Child Development and Care (CDC).

2.	On the Department closed Claimant's case because she had not returned her redetermination packet.	
3.	On the Department sent Claimant notice of the:	
	☐ denial. ☐ closure.	
4.	On Claimant filed a hearing request, protesting the:	
	☐ denial of the application. ☐ closure of the case.	
CONCLUSIONS OF LAW		
	partment policies are contained in the Br idges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).	
Re 42 Ag thr	The Family Independence Program (FIP) was established purs uant to the Personal esponsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly k nown as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.	
pro im Re Ag	The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) ogram] is establis hed by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 ough Rule 400.3015.	
Th Ag	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department of Human Services (formerly known as the Family Independenc e ency) administers the MA program pursuant to MCL 400.10, et seq., and MC L 0.105.	
□ ad	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, <i>et seq</i> .	
for Se pro	The State Disabilit y Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The D epartment of Human rvices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 2000 AACS, R 400. 3151 through Rule 0.3180.	

/SEH
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. The Depart ment provides servic es to adults and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.
In this case, the Claimant testified that she had received the re-determination packet, but did not return it as she was waiting for the telephone interview to explain to her worker that her circumstances had not changed. However, the re-determination form informs Claimants that if they do not return the re-determination form, the telephone interview will not be completed. It is not contested that the Claimant received the redetermination packet and did not return it. Departmental policy instructs the Claimant's case worker to close the case when the time period given has elapsed and the client

has **not** made a reasonable effort to provide it.

Based upon the abov e Findings of Fact and Co nclusions 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 for: \square AMP \square FIP \boxtimes FAP \square MA \square SDA \square CDC. **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 reco rd, finds that the Department did act properly. Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record. /s/ Susanne E. Harris Administrative Law Judge

Date Signed <u>02/25/2013</u>

Date Mailed: 02/25/2013

For Maura Corrigan, Director Department of Human Services

NOTICE: Michigan Administrative Hearing Syst em (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. (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 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 **MAY** 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
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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