## 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. H.	arris
HEARING DECI	SION
This matter is before the undersigned Administrat and MCL 400.37 following Claim ant's request f telephone hearing was held on on behalf of Claimant included of Human Services (Department) included	tive Law Judge pursuant to MCL 400.9 for a hearing. After due notice, a from Participants Participants on behalf of Department
<u>ISSUE</u>	
Did the Departm ent properly $\  \  \  \  \  \  \  \  \  \  \  \  \ $	application
☐ 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 OF FACT	
The Administrative Law Judge, based on the evidence on the whole record, finds as material factors.	competent, material, and substantial act:
1. Cla imant ⊠ applied for benefits ☐ received b	enefits 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).



<ol> <li>On claimant having report hours.</li> </ol>	, the Department denied Claimant 's application due to the rted that she is a full-time student and she had no employment
3. On	the Department sent Claimant notice of the:
⊠ denial. □ closure.	
4. On	Claimant filed a hearing request, protesting the:
⊠ denial of the appli closure of the case	
	CONCLUSIONS OF LAW
•	contained in the Br idges Administrative Manual (BAM), the I (BEM), and the Reference Tables Manual (RFT).
Responsibility and W orl 42 USC 601, <i>et seq</i> . T Agency) administers FIF	dence Program (FIP) was established purs uant to the Personal Copportunity Reconciliation Act of 1996, Public Law 104-193, the Department (formerly k nown as the Family Independence Popursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 FIP replaced the Aid to Dependent Children (ADC) program 6.
program] is establis he implemented by the fede Regulations (CFR). The	e Program (FAP) [fo rmerly known as the Food Sta mp (FS) d by the Food St amp Act of 1977, as amend ed, and is eral r egulations contained in Title 7 of the Code of Federal Department (formerly known as the Family Independenc e P pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001
Security Act and is im pl The Department of Hum	nce (MA) program is es tablished by the Title XIX of the Soc ial emented by Title 42 of the Code of Federal Regulations (CFR). an Services (formerly known as the Family Independenc e MA program pursuant to MCL 400.10, et seq., and MC L
	ogram (AMP) is established by 42 USC 1315, and is eartment pursuant to MCL 400.10, <i>et seq</i> .
The State Disabilit y Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The D epartment of Human Services (formerly known as the Family Independence Agency) administers the SDA	



program pursuant to MCL 400.10, et seq., and 2000 AACS, R 400. 3151 through Rule 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 Child Care and Development 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 Federal Regulations, Parts 98 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.		
In this case, the Claimant testified that she inaccurately reported that she was a full-time student though she was only really attending school part-time. The Claimant testified that this was her mis take. She did not inform her worker that she was a part-time student until after her application was denied. To be eligible for FAP benefits as a full-time Student, BEM 245 requires that the Claimant m eet certain criteria , specifically in this case, that the Claimant works at leas t 20 hours per week . In this case, the Claimant reported that she attended school full-time and she was not working at least 20 hours a week.		
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		
<ul> <li>☑ properly denied Claimant's application</li> <li>☑ properly closed Claimant's case</li> <li>☑ improperly denied Claimant's application</li> <li>☑ improperly closed Claimant's case</li> </ul>		
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:		
<ul><li>☑ did act properly.</li><li>☑ did not act properly.</li></ul>		
Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.		
Susanne E. Harris Administrative Law Judge For Maura Corrigan, Director Department of Human Services		

Date Signed: <u>02/25/2013</u> Date Mailed: <u>02/25/2013</u> **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 **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
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

## SEH/kl

cc: