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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County DHS:	201321770 3015 February 12, 2013 Wayne (76)			
ADMINISTRATIVE LAW JUDGE: Susanne E. H	arris				
HEARING DEC	ISION				
This matter is before the undersigned Administra and MCL 400.37 following Claimant's request telephone hearing was held on February Participants on behalf of Claimant included Department of Human Services (Department) included.	for a hearing. 12, 2013, from . Part	After due notice, a Lansing, Michigan. icipants on be <u>half of</u>			
ISSUE					
Did the Department properly deny Claimant's for:	s application 🛚 cl	ose Claimant's case			
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐	_	sistance (AMP)? ssistance (SDA)? ent and Care (CDC)?			
FINDINGS OF FACT					
The Administrative Law Judge, based on the evidence on the whole record, finds as material fa	•	rial, and substantial			
Claimant ☐ applied for benefits ☒ received by	enefits for:				
☐ Family Independence Program (FIP). ☐ ☐ Food Assistance Program (FAP). ☐ ☐ Medical Assistance (MA). ☐	_	sistance (AMP). ssistance (SDA). ent and Care (CDC).			

- 2. On January 3, 2013, the Department closed Claimant's case due to excess income.
- 3. On January 3, 2013, the Department sent Claimant closure.

4. On January 10, 2013, Claimant filed a hearing request, protesting the:
☐ denial of the application.☐ closure of the case.
CONCLUSIONS OF LAW
Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
☐ The Family Independence Program (FIP) was established pursuant to the Persona Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193 42 USC 601, et seq. The Department (formerly known 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.
Mathematical Method McL 400.10, et seq., and 1999 AC, R 400.3001 through Rule 400.3015.
☐ The Medical Assistance (MA) program is established by the Title XIX of the Socia Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR) The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 400.105.
☐ 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 State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department 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 established by Titles IVA, IVE and XX of the Social 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 did not receive the part B indicator of per month, which is reflected on the SOLQ. The Claimant maintained that

which is reflected on the same SOLQ, under "Net Monthly Benefit." The Administrative Law Judge did not understand the SOLQ form. Therefore, the record was held open until the end of the hearing day so that the Claimant could submit information from the Social Security Administration (showing that she does not receive the of \$ 100.000 for the same SOLQ, under "Net Monthly Benefit." The Administrative Law Judge did not understand the SOLQ form.								
After the hearing, the Claimant did submit such documents and they did support her testimony during the hearing. Furthermore, those documents reference the same case number under which the RSDI of sis attributed in the Department's SOLQ. As such, the evidence is insufficient to establish that the Claimant actually receives the and therefore, insufficient to establish that the Department was acting in accordance with its policy when taking action to close the Claimant's FAP case.								
Therefore, th	ne Department							
properly denied Claimant's application improperly denied Claimant's application properly closed Claimant's case improperly closed Claimant's case								
for: 🗌 AMP	☐ FIP	$oxed{\boxtimes}$ FAP	☐ MA	SDA	☐ 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 record, finds that the Department did not act properly.								
Accordingly, the Department's \square AMP \square FIP \boxtimes FAP \square MA \square SDA \square CDC decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.								
☑ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:								
1.	Initiate action to reinstate Claimant's FAP case back to the date of closure.							
2.	 Initiate action to then issue the Claimant any supplements she may thereafter be due. 							
			Susan	ne E-l	Harris			
Susanne E. Harris								
Administrative Law Judge For Maura Corrigan, Director								
				partment of Hun				

Date Signed: 3/22/13

Date Mailed: 3/22/13

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 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

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