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:	2013-27549 2026;2014 April 4, 2013 Marquette County DHS
ADMINISTRATIVE LAW JUDGE: Carmen G. F	ahie	
HEARING DEC	CISION	
This matter is before the undersigned Administra and MCL 400.37 following Claim ant's request telephone hearing was held on Thursday, Ap Participants on behalf of Departi Participants on behalf of Departi included , APSup and	for a hearing. Afte ril 4, 2013 from La claimant's brother, ç	r due notice, a ansing, Michigan. guardian, and payee,
ISSUE		
Due to excess income, did the Department prop ☑ close Claimant's case ☑ reduce Claimant's t		laimant's applic ation
Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)?		sistance (AMP)? ssistance (SDA)? ent and Care (CDC)?
FINDINGS OF	<u>FACT</u>	
The Administrative Law Judge, based on t he evidence on the whole record, finds as material t	competent, materi fact:	al, and substantial
1. Cla imant ☐ applied for benefits for: ☐	received benefits fo	r:
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA).	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).

2.	On September 5, 2012, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits due to excess income.
3.	On September 5, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure. reduction.
4.	On March 4, 2013, Claim ant or Claimant's AHR filed a hearing request, protesting the
	☐ denial of the application. ☐ closure of the case. ☐ reduction of benefits.
	<u>CONCLUSIONS OF LAW</u>
	epartment policies are contained in the Br idges Administrative Manual (BAM), the idges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
	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> .
Re 42 Ag 31	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and W ork Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1997 AACS R 400.3101-31. FIP replaced the Aid to Dependent Children (ADC) program effective ctober 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 St amp 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 lency) administers FAP pur suant to MCL 400. 10, et seq., and 1997 AACS R 0.3001-3015.
Se Th	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 (formerly known as the F amily Independence Agency) administers the A program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disabilit y Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department (formerly known the Family Independence Agency) administers the SDA program pursuant to M CL 0.10, et seq., and 1998-2000 AACS R 400.3151-400.3180.
an 19	The Child Development and Care (CDC) program is establishhed by Titles IVA, IVE d XX of the Soc ial Security Act, the Child Care and Development Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. e program is implemented by Title 45 of the Code of Federal Regulations, Parts 98

and 99. The Department provides servicies to adult is and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.
Additionally, the claimant was a recepient of Social Security RSDI benefits in the amount of \$ per month in unearned inco me. Department Ex hibit b-d. The department casework er determined eligibility for MA where the claimant had e xcess income for MA AD-Care, where the inc ome limit was \$ but the claimant had a net income of \$ which resulted in him being denied for MA AD-Care.
As a result of his exc ess income for MA AD -Care, the claimant was determined eligible for a MA Spenddown/Deductible case. The claimant had RSDI income from Social Security of After deductions of a unearned income general exclusion and a protected income of the claimant had a deductible of that he must meet before being eligible for MA. Department Exhibit a.
The department has met its burden that the clai mant is eligible for MA with a deductible of \$ that he must meet bef ore being eligible for MA. After the hearing, the department caseworker will expl ain the MA deductible program again to the claimant's authorized representative. The department has met it s burden that the claimant had excess income for MA AD-Care, which resulted in a deductible of \$565 for MA.
Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative La w Judge concludes t hat, due to excess income, the Department properly improperly
 ☐ denied Claimant's application ☐ reduced Claimant's benefits ☐ closed Claimant's case
for:
<u>DECISION AND ORDER</u>
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 \square AMP \square FIP \square FAP \boxtimes MA \square SDA \square CDC decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.
Carmen G. Fahie Administrative Law Judge For Maura Corrigan, Director Department of Human Services Date Signed: April 12, 2013

Date Mailed: April 12, 2013

NOTICE: Michigan Administrative Hearing S ystem (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.

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 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 <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

Re consideration/Rehearing Request P.O. Box 30639
Lansing, Michigan 48909-07322

CGF/hj

