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

DEFAITMENT OF HOMAN SERVICES				
IN THE MATTER OF:				
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201336108 2018; 3019 May 16, 2013 Ingham		
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 May 16, 2013, from Lansing, Michigan. Participants on behalf of Claimant included and Participants on behalf of Department of Human Services (Department) included Family Independence Manager.				
<u>ISSUE</u>				
Did the Department properly \boxtimes deny Claimant's application \square close Claimant's case for:				
☐ Family Independence Program (FIP)? ☐ ☐ Food Assistance Program (FAP)? ☐ ☐ Medical Assistance (MA)? ☐	-	sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?		
FINDINGS OF FACT				
The Administrative Law Judge, based on the evidence on the whole record, finds as material fac	•	rial, and substantial		
Claimant ⊠ applied for benefits □ received benefits for:				
☐ Family Independence Program (FIP). ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	•	sistance (AMP). Assistance (SDA). ent and Care (CDC).		

2. On March 8, 2013, the Department

☑ denied Claimant's application ☐ closed Claimant's case due to his being an ineligible student and his not meeting any of the categorical eligibility criterion for MA.

3.	On March 8, 2013, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
4.	On March 15, 2013, Claimant filed a hearing request, protesting the ⊠ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges Administrative Manual (BAM), the idges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence gency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program fective October 1, 1996.
pro im Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established 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 gency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 rough Rule 400.3015.
Se Th Ag	The Medical Assistance (MA) program is established by the Title XIX of the Social ecurity 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 gency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 0.105.
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human ervices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, R 400.3151 through Rule 0.3180.
an 19 Th an	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, 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 d 99. The Department provides services to adults and children pursuant to MCL 0.14(1) and 1999 AC. R 400.5001 through Rule 400.5015.

The hearing was originally scheduled for April 24, 2013. On April 25, 2013, the Administrative Law Judge issued an Order of Adjournment for was apparent from the Claimant's hearing request that he had requested an for and no interpreter was present on April 24, 2013.
During the hearing, the uncontested testimony was that the Claimant was denied for MA in March and instructed to apply for AMP in April and the Claimant did so. The Claimant was approved for AMP and during the hearing, the Claimant thanked the Department for that and stated that he no longer had an issue with the Department's MA decision. As such, that portion of the Claimant's hearing request is dismissed.
The uncontested testimony during the hearing was that at the time the Claimant's application for FAP was denied, he was a fine and he was not working. The Claimant testified that since that time, he is no longer a fine as he can not receive aid for the fine and he is still not working. Bridges Eligibility Manual (BEM) 245 (2013) p. 3, in pertinent part, enumerates the criterion for eligibility for FAP for a person in student status. The evidence in this case indicates that the Claimant does not meet any of those criterions; specifically that he does not work 20 or more hours a week. The Claimant indicated that this has now changed as he is no longer a The Claimant was encouraged to reapply for FAP benefits. The Administrative Law Judge determines that when the Department took action to deny the Claimant's application for FAP benefits, the Department was acting in accordance with its policy. Based upon the above Findings of Fact and Conclusions 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: AMP FIP FAP MA SDA CDC.
DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department ☑ did act properly. ☐ did not act properly.
Accordingly, the Department's AMP FIP FIP MA SDA CDC decision is AFFIRMED REVERSED.
/s/ Susanne E. Harris
Administrative Law Judge For Maura Corrigan, Director
Department of Human Services Date Signed: 5/20/13
Date Mailed: <u>5/20/13</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 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

SEH/tb

cc: