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:	2013-48646 2006 July 24, 2013 DHS SSPC-West
ADMINISTRATIVE LAW JUDGE: Carmen G. Fah	ie	
HEARING DECIS	<u>ION</u>	
This matter is before the undersigned Administrative and MCL 400.37, following Claimant's Request telephone hearing was held on Wednesday, July Participants on behalf of Claimant included the Participants on behalf of Department included, Regina Shoemaker, ES.	for Hearing. 7 24, 2013, from Claimant and he	After due notice, a Lansing, Michigan. er husband,
<u>ISSUE</u>		
Did the Department properly \boxtimes deny Claimant's application \square close Claimant's case for:		
Food Assistance Program (FAP)?		sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?
FINDINGS OF FA	<u>ACT</u>	
The Administrative Law Judge, based on the cevidence on the whole record, finds as material fac		rial, and substantial
 Claimant	nefits for:	
 ☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA). 	_	ssistance (AMP). Assistance (SDA). ent and Care (CDC).

	May 3, 2013, the Department 🔀 denied Claimant's application 🔲 closed mant's case due to a complete application was not received by the due date.
	May 3, 2013, the Department sent $\ igsim$ Claimant $\ igsim$ Claimant's Authorized presentative (AR) notice of the $\ igsim$ denial $\ igsim$ closure.
	May 16, 2013, Claimant filed a hearing request, protesting the $\ \ \ \ \ \ \ \ \ \ \ \ \ $
	CONCLUSIONS OF LAW
	ment policies are contained in the Bridges Administrative Manual (BAM), the s Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Respor 42 US(Agency through	Family Independence Program (FIP) was established pursuant to the Personal asibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, C 601, et seq. The Department (formerly known as the Family Independence administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program to October 1, 1996.
prograr implem Regula Agency	e Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) m] is established by the Food Stamp Act of 1977, as amended, and is sented by the federal regulations contained in Title 7 of the Code of Federal tions (CFR). The Department (formerly known as the Family Independence of administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 in Rule 400.3015.
Security The De	e Medical Assistance (MA) program is established by the Title XIX of the Social by Act and is implemented by Title 42 of the Code of Federal Regulations (CFR), epartment of Human Services (formerly known as the Family Independence of administers the MA program pursuant to MCL 400.10, et seq., and MCL 5.
	e Adult Medical Program (AMP) is established by 42 USC 1315, and is stered by the Department pursuant to MCL 400.10, <i>et seq</i> .
for disa Service	State Disability Assistance (SDA) program, which provides financial assistance abled persons, is established by 2004 PA 344. The Department of Humanes (formerly known as the Family Independence Agency) administers the SDA in pursuant to MCL 400.10, et seq., and 2000 AACS, R 400.3151 through Rule 80.
and XX	Child Development and Care (CDC) program is established by Titles IVA, IVE of the Social Security Act, the Child Care and Development Block Grant of 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.

Additionally, the Claimant submitted an incomplete application on April 2, 2013. Department Exhibit 6-10. The Claimant was required to submit a completed application by April 15, 2013. Department Exhibit 11. The Claimant failed to turn in the completed application by the due date of April 15, 2013. On May 3, 2013, the Department caseworker denied the Claimant's application. The Claimant is entitled to reapply.

The Department has met its burden that it properly denied the Claimant's application because it was incomplete, eligibility could not be determined, and the Claimant failed to submit a completed application. BAM 110, 115, 220, 130, and 105.

submit a completed application. BAM 110, 115, 220, 130, and 105.
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 ☐ properly closed Claimant's case ☐ improperly closed Claimant's case
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 \infty \text{did act properly.} \text{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.
☐ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
<u>/s/</u> Carmen G. Fahie
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: <u>08/01/2013</u>

Date Mailed: <u>08/02/2013</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 **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; or
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant; or
- 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

CGF/pw

