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

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Reg. No.: 2013-38817 Issue No.: 2026;2014

Case No.:
Hearing Date:
County:

July 31, 2013
Van Buren

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Hearing. After due notice, a telephone hearing was held on Wednesday, July 31, 2013 from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included, Laura Joyner, APSup and, Mary Lou Martinez, ES.

ISSUE

| Due to excess income, did the Department properly \square deny the Claimant's application \square close Claimant's case \boxtimes reduce Claimant's benefits 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) | | | | | | | |
| FINDINGS OF FACT | | | | | | | | |
| The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact: | | | | | | | | |
| 1. Claimant applied for benefits for: | received benefits 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) | | | | | | | |

| 2. | On March 20, 2013, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits due to excess income. |
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| 3. | On March 20, 2013, the Department sent \boxtimes Claimant \square Claimant's Authorized Representative (AR) notice of the \square denial \square closure \boxtimes reduction. |
| 4. | On March 27, 2013, Claimant or Claimant's AHR filed a hearing request, protesting the \square denial of the application \square closure of the case \bowtie reduction of benefits. |
| | CONCLUSIONS OF LAW |
| | epartment policies are contained in the Bridges 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, et seq. |
| Re 42 Ag 31 | 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 Jency) 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 stober 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 lency) administers FAP pursuant to MCL 400.10, et seq., and 1997 AACS R 0.3001-3015. |
| Se Th | The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the Family Independence Agency) administers the A program pursuant to MCL 400.10, et seq., and MCL 400.105. |
| for as | The State Disability 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 MCL 0.10, et seq., and 1998-2000 AACS R 400.3151-400.3180. |
| 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. e 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 1997 AACS R 400.5001-5015. |
| | Iditionally, the Claimant had earned income of, and, and epartment Exhibity 1-3. For net income, the Claimant's 3 checks added together |

| and divided by 3 then multiplied by the multiplier The Department caseworker determined eligibility for MA when the Claimant had excess income for MA AD-Care, where the income limit was but the Claimant had a net income of which resulted in him being denied for MA AD-Care. |
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| As a result of his excess income for MA AD-Care, the Claimant was determined eligible for a MA Spenddown/Deductible case. The Claimant had earned income of After deductions of of adult's prorated income, with an adult's share of the adult's won Income of minus, minus a protected income of \$391, the Claimant had a deductible of that he must meet before being eligible for MA. |
| The Department has met its burden that the Claimant is eligible for MA with a deductible of that he must meet before being eligible for MA. After the hearing, the Department caseworker will explain the MA deductible program again to the Claimant. The Department has met its burden that the Claimant had excess income for MA ADCare. BAM 220. BEM 110, 125, 135, 163, and 166. |
| 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, due to excess income, the Department \square properly \square improperly |
| ☐ denied Claimant's application ☐ reduced Claimant's benefits ☐ 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 \(\subseteq \text{did act properly} \) \(\subseteq \text{did not act properly}. |
| Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED 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: |
| Carmen G. Fahie Administrative Law Judge For Maura Corrigan, Director Department of Human Services Date Signed: 08/07/2013 |

Date Mailed: <u>08/07/2013</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.

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 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

