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

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Reg. No.: 2013-39359 Issue No.: 2026;2014

Case No.: Hearing Date:

County:

August 1, 2013 Shiawassee

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 Thursday, August 1, 2013 from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included, Carrie Weeks, APSup and, Wendy Svczotka, 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:							
<ul><li>☐ Family Independence Program (FIP)?</li><li>☐ Food Assistance Program (FAP)?</li><li>☐ Medical Assistance (MA)?</li></ul>	<ul><li>☐ Adult Medical Assistance (AMP)?</li><li>☐ State Disability Assistance (SDA)?</li><li>☐ Child Development and Care (CDC)?</li></ul>						
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:						
<ul><li>☐ Family Independence Program (FIP).</li><li>☐ Food Assistance Program (FAP).</li><li>☐ Medical Assistance (MA).</li></ul>	<ul><li>☐ Adult Medical Assistance (AMP).</li><li>☐ State Disability Assistance (SDA).</li><li>☐ Child Development and Care (CDC).</li></ul>						

	On March 26, 2013, the Department   denied Claimant's application closed Claimant's case   reduced Claimant's benefits due to excess income.
	On March 26, 2013, the Department sent $\square$ Claimant $\square$ Claimant's Authorized Representative (AR) notice of the $\square$ denial $\square$ closure $\square$ reduction.
	On April 1, 2013, Claimant or Claimant's AHR filed a hearing request, protesting the denial of the application  closure of the case  reduction of benefits.
	CONCLUSIONS OF LAW
	partment policies are contained in the Bridges Administrative Manual (BAM), the dges 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.
Res 42 Age 313	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) 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 tober 1, 1996.
pro imp Reg Age	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) gram] 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 gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1997 AACS R 0.3001-3015.
Sec The	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). Experiment (formerly known as the Family Independence Agency) administers the 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.
and 199 The	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. It is 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.
	ditionally, the Claimant was a recepient of Social Security RSDI benefits in the ount of and per month in unearned income for a gross income of

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

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**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 <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; 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

