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

IN THE MATTER OF:



2013-41348
2021
July 23, 2013
Monroe

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 Tuesday, July 23, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and his mother and authorized representative, **Exercise**. Participants on behalf of Department of Human Services (Department) included, Chris Budny, ES.

<u>ISSUE</u>

Due to excess assets, did the Department properly \boxtimes deny the Claimant's application \square close Claimant's case for:

Family Independence Program (FIP)?

Medical Assistance (MA)?

Food Assistance Program (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, including the testimony at the hearing, finds as material fact:

- 1. Claimant \boxtimes applied for benefits \square received benefits for:

Family Independence Program (FIP). Medical Assistance (MA).

- Food Assistance Program (FAP).
- Adult Medical Assistance (AMP).

Adult Medical Assistance (AMP)?

State Emergency Relief (SER)?

State Disability Assistance (SDA)?

State Disability Assistance (SDA).

State Emergency Relief (SER).

- Due to excess assets, on April 1, 2013, the Department
 ☑ denied Claimant's application.
 ☑ closed Claimant's case.
- On April 1, 2013, the Department sent
 □ Claimant □ Claimant's Authorized Representative (AR) notice of the □ denial. □ closure.
- 4. On April 8, 2013, Claimant filed a hearing request, protesting the ⊠ denial of the application. □ closure of the case.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq*.

☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through Rule 400.3180.

☐ The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3001-3015.

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by, 1999 AC, R

400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, the Claimant had his life savings in a bank account of the Claimant was determined eligible for Social Security on January 2013. His regular monthly SSI payment is the Claimant and the Claimant Exhibit 8-10. As a result, he had excess assets, which made him ineligible for MA. The Claimant used to pay his medical bills on December 3, 2012. Department Exhibit 1. The Claimant was eligible for MA from December 2012 forward. Department Exhibit 5-7. BEM 260,163, and 400.

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 assets, the Department

properly denied Claimant's application	improperly denied Claimant's application
properly closed Claimant's case	improperly closed Claimant's case

for: \square AMP \square FIP \boxtimes MA \square SDA \square FAP \square SER.

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 \square did act properly. \square did not act properly.

Accordingly, the Department's \square AMP \square FIP \boxtimes MA \square SDA \square FAP \square SER. 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:

Carmen G. Fahie Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: _____

Date Mailed:

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 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; 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

