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

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Reg. No.: 2013-43193

Issue No.: 4013

Case No.:

Hearing Date: August 13, 2013

County: Kalamazoo

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 a hearing. After due notice, a telephone hearing was held on Tuesday, August 13, 2013 from Lansing, Michigan. Participants on behalf of Claimant included, the Claimant. Participants on behalf of Department of Human Services (Department) included, Gabriel Chapman, ES.

ISSUE

| Due to excess income, did the Department pr close Claimant's case reduce Claimant's | · · · — · · · · · · · · · · · · · · · · | | | | | |
|--|--|--|--|--|--|--|
| 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 vidence on the whole record, finds as material | | | | | | |
| 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). | | | | | |

| Additionally, the Claimant applied for SDA on April 8, 2013. Department Exhibit 3-8. The Claimant receives a pension of per month in unearned income. Department Exhibit 9. The payment standard for SDA where the Claimant failed the income test with a countable income o Department Exhibit 10-11. |
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| The Department has met its burden that the Claimant is not eligible for SDA due to excess income. BEM 505, 515, 518, and 520. |
| 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 \boxtimes did act properly \square did not act properly. |
| Accordingly, the Department's \square AMP \square FIP \square FAP \square MA \boxtimes 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>08/29/2013</u> |
| Date Mailed: 08/30/2013 |

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;
- 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

CFG/pw

