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

DEFARTMENT OF HOM	IAN SERVICES	
IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-47950 2005 August 20, 2013 Kalamazoo
ADMINISTRATIVE LAW JUDGE: Susanne E. I	Harris	
HEARING DEC	CISION	
This matter is before the undersigned Administrated and MCL 400.37 following Claimant's request telephone hearing was held on August 20, 2013 on behalf of Claimant included who was permitted to interpret after a failed attended included Eligibility Specialist (ES)	t for a hearing. 3, from Lansing, Mi and his interprete empt by	After due notice, a chigan. Participants er, of the ervices (Department)
ISSUE		
Did the Department properly \boxtimes deny Claimant for:	's application 🗌 cl	ose Claimant's case
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐		sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?
FINDINGS OF	FACT	
The Administrative Law Judge, based on the evidence on the whole record, finds as material to	•	rial, and substantial
1. Claimant ⊠ applied for benefits ☐ received	benefits for:	
☐ Family Independence Program (FIP).☐ Food Assistance Program (FAP).☒ Medical Assistance (MA).		ssistance (AMP). Assistance (SDA). ent and Care (CDC).

closed Claimant's case

2. On May 3, 2013 , the Department ⊠ denied Claimant's application

due to the Claimant's failure to meet the residency requirements.

3.	On May 3, 2013, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
4.	On May 10, 2013, Claimant filed a hearing request, protesting the ⊠ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges Administrative Manual (BAM), the idges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag thi	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 gency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program fective October 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 gency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 rough Rule 400.3015.
Se Th Ag	The Medical Assistance (MA) program is established by the Title XIX of the Social ecurity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence gency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 10.105.
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is Iministered by the Department pursuant to MCL 400.10, et seq.
for Se	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human ervices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 2000 AACS, R 400.3151 through Rule 10.3180.
an 19 Th an	The Child Development and Care (CDC) program is established by Titles IVA, IVE AXX of the Social Security Act, the Child Care and Development Block Grant of 1990, 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 190.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

The Claimant testified that this is his only and he is in serious need of expensive medical treatment. Bridges Eligibility Manual (BEM) 131 (2010) p. 1, provides that for the Claimant's to be eligible for Other MA, he must meet the residence requirements outlined in BEM 220 and the Citizenship/Alien Status requirements outlined in BEM 225. BEM 220 p. 1, provides that one of the requirements for residency is that the Claimant intends to remain in the state permanently or indefinitely. BEM 225 p. 2, provides that citizenship/alien status is not an eligibility factor for emergency services only and that the person must meet all other eligibility factors including residency as specified in BEM 220. It is not contested in this case that the Claimant's ends on the contested in the Claimant's to remain in the state permanently or indefinitely. As such, the Administrative Law Judge concludes that there is no intent for the Claimant's to remain in the state permanently or indefinitely. As such, the Administrative Law Judge determines that the Claimant's does not meet the
residence requirements outlined in BEM 220, p. 1, so as to be eligible for MA.
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 improperly denied Claimant's application properly closed Claimant's case improperly closed Claimant's case for: AMP FIP FAP MA SDA CDC.
DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department $oxed{\boxtimes}$ did act properly. $oxed{\square}$ 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.
/s/ Susanne E. Harris Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Mailed: 8/22/13

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 <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

SEH/tb

