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

#### IN THE MATTER OF:



Reg. No.: 2013-58616 Issue Nos.: 2021, 3021 Case No.: August 15, 2013 Hearing Date: Wayne (82-55) County:

#### ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

### **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 August 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and . Participants on behalf of the Department of Human Services (Department) included

#### ISSUE

Due to excess assets, did the Department properly deny the Claimant's application Close Claimant's case for:

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Family Independence Program (FIP)?

Medical Assistance (MA)?

Adult Medical Assistance (AMP)?
State Disability Assistance (SDA)?

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 applied for benefits received benefits for:



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

Food Assistance Program (FAP)

Adult Medical Assistance (AMP). State Disability Assistance (SDA).



2. Due to excess assets, on July 31, 2013, the Department denied Claimant's application. 🛛 🖾 closed Claimant's case.

- On July 10, 2013, the Department sent
  Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ denial. ☐ closure.
- 4. On July 12, 2013, Claimant filed a hearing request, protesting the  $\Box$  denial of the application.  $\boxtimes$  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 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 1999 AC, Rule 400.3001 through Rule 400.3015.

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.

At the hearing, documentation was entered into the record showing that Claimant's assets far exceeded the limitations for MA and FAP. BEM 400 (July 2013); RFT 250 (October 2012).

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
 □ improperly closed Claimant's case
 □ improperly closed Claimant's case

for: 🗌 AMP 🗌 FIP 🖾 FAP 🖾 MA 🗌 SD	for:		<b>FIP</b>	🖂 FAP	🖂 MA	
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#### **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  $\boxtimes$  FAP  $\boxtimes$  MA  $\square$  SDA decision is  $\boxtimes$  AFFIRMED  $\square$  REVERSED for the reasons stated on the record.

**Mićhael J. Bennane** Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings Reconsideration/Rehearing Request P.O. Box 30639 Lansing, Michigan 48909-07322

MJB/pf

## 2013-58616/MJB



