STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Claimant

Reg. No.: 2009-16592 Issue No.: 3002/5032 Case No.: Load No.: Hearing Date: May 14, 2009 Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9;

MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After

due notice a telephone hearing was held on May 14, 2009. The Claimant personally appeared

and testified.

ISSUES

Did the Department correctly calculate the Claimant's Food Assistance (FAP), benefits and deny her State Emergency Relief (SER) application?

FINDINGS OF FACT

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

- (1) The Claimant is a FAP recipient. The group size is two (2).
- (2) On March 9, 2009, the claimant applied for and SER to pay a security deposit.(Department exhibits 1-5).

- (3) On February 24, 2009, the department sent the claimant a notice that her FAP was to close for failure to provide verifications.
- (4) On March 12, 2009, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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 of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

In the instant case, the department denied the claimant's application for SER to pay for a security deposit.

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met:

The SER group is homeless, living in a shelter, a car, a HUDapproved transitional facility or on the street. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists:

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The group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER.

The group is living with other persons to escape a domestic violence situation.

A court summons, order, or judgment was issued which will result in the SER group becoming homeless. (ERM 303, p. 1).

In the instant case the claimant had already paid the requested security deposit and was

living in her new apartment.

On the issue of the claimant's FAP:

In the instant case, the Claimant questions the closure of her FAP.

The law provides that disposition may be made of a contested case by stipulation or

agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The

Department agreed to accept documentation of the claimant's employment and income and

retroactively reopen and replace any benefits if applicable.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFRIMS the Department's actions finding that the claimant was not eligible for the SER and REVERSES AND ORDERS the department to accept documentation of the claimant's employment and income and retroactively reopen her FAP and replace any benefits if applicable.

/s/_

Michael J. Bennane Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: _06/08/09_____

Date Mailed: _06/09/09_____

NOTICE: Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 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.

MJB/jlg

