

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-29937
Issue No: 3002, 5032
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 24, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on June 24, 2010. Claimant appeared and testified.

ISSUES

Did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) application because he was still receiving benefits through New Jersey?

Did the Department of Human Services properly deny Claimant's State Emergency Relief (SER) application because he was not homeless?

FINDINGS OF FACT

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

- (1) On June 18, 2009, Claimant submitted an application for Food Assistance

Program (FAP) and State Emergency Relief (SER) benefits. On the application Claimant marked that he was in household with one other person and identified that person as a friend. At the interview with a Department case worker, Claimant stated he had Food Assistance Program (FAP) benefits in New Jersey and as far as he knew they were still active.

(2) On July 1, 2009, Claimant was sent a Application Eligibility Notice form (DHS 1150) stating his State Emergency Relief (SER) was denied.

(3) On July 9, 2009, Claimant submitted a request for hearing on the State Emergency Relief (SER) denial.

(4) On July 9, 2009, the Department case worker spoke to [REDACTED] of the Camden County Board of Social Services in New Jersey. The case worker recorded that Claimant was still active for Food Assistance Program (FAP) in New Jersey and that the New Jersey case would be closed for August 2009. The Department case worker denied Claimant's Food Assistance Program (FAP) application. Claimant was sent a Notice of Case Action (DHS-1605).

(5) On July 14, 2009, Claimant submitted a request for hearing on the Food Assistance Program (FAP) denial.

(6) On August 1, 2009, Claimant was approved for Food Assistance Program (FAP) benefits through the State of Michigan.

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 (DHS or department) administers the FAP program pursuant to MCL 400.10,

et seq., and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

CONCURRENT RECEIPT OF BENEFITS

DEPARTMENT POLICY

All Programs

Concurrent receipt of benefits means assistance received from **multiple** programs to cover a person's needs for the same time period. Certain restrictions apply, as specified in this item.

Benefit duplication means assistance received from the **same** (or same **type** of) program to cover a person's needs for the same month.

For example, FIP from Michigan and similar benefits from another state's cash assistance program. As specified in the balance of this item, benefit duplication is prohibited **except** for MA and FAP in limited circumstances (see **MA Benefits** and **FAP Benefits** in this item). See BEM 203, Criminal Justice Disqualifications, for penalties for individuals found to have received duplicate assistance.

FAP Benefits

FAP Only

A person **cannot** be a member of more than one FAP Certified Group (CG) in any month.

A person **cannot** receive FAP in more than one state for any month. (BEM 222)

RELOCATION SERVICES

DEPARTMENT POLICY

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses.

COVERED SERVICES

Accept the decision of the SER group regarding use of the relocation funds authorized. The issuance amount must resolve the group's shelter emergency. Authorize any combination of the following services:

- First month's rent.
- Rent arrearage.
 - Mobile home lot rent for owners or purchasers is a Home ownership service found in [ERM 304](#).
 - Mobile home lot rent for renters is a relocation service covered by this Item.
- Security deposit (if required).
- Moving expenses (to relocate household effects).

Example: Group A decides to use their entire relocation services amount for a rent arrearage; Group B wants to use their relocation services amount for the first month's rent on a new apartment; Group C requests first month's rent and rental of a U-Haul trailer. Process payments for these situations as requested.

ELIGIBILITY REQUIREMENTS

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

Homeless

The SER group is homeless. The definition of homeless includes:

- Persons living in an emergency shelter or motel, in HUD-funded transitional housing for homeless persons who originally came from the street, in a car on the street or in a place unfit for human habitation and there is no housing they can return to. Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless.
- Persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting with no plan or resources for housing and no housing to return to.
- Persons who meet the eligibility requirements for one of the following homeless assistance programs:
 - Homeless Assistance Recovery Program (HARP).
 - Transitional Supportive Housing Leasing Assistance Program (TSHLAP).
 - Transition In Place Leasing Assistance Program (TIPLAP).
 - Rapid Re-Housing Leasing Assistance.
 - Temporary Basic Rental Assistance (TBRA) funded By MSHDA.

A person/family eligible for one of the above homeless assistance programs may be living with others temporarily, may no longer be in a shelter or may be in housing with the grant paying their rent. These are only temporary programs until a permanent housing voucher becomes available or the group is able to pay their own rent, whichever comes before 24 months.

A HUD transitional facility refers only to housing that has been acknowledged by HUD for assisting homeless persons who originally came from the street or an emergency shelter who need permanent housing but are waiting for placement. The group may be in a transitional facility for up to 24 months. A person eligible for HUD-funded permanent transitional housing is also considered

homeless.

Documentation of Eligibility

Persons living on the street, in a car or place unfit for human habitation should have a signed and dated general certification form from an outreach or service worker verifying that the person is homeless and indicating where the person resides. Verification must be on official letterhead, signed and dated.

Persons coming from an emergency shelter or emergency motel placement should have written verification from the emergency shelter staff or service agency responsible for placement. Verification must be on agency letterhead, signed and dated.

Persons coming from a transitional housing facility must have a statement from the service provider indicating that the person is residing in transitional housing that services homeless persons. Verification must be on agency letterhead, signed and dated.

Persons eligible for one of the homeless assistance programs listed above must have a statement from the service provider who determined their homeless assistance program eligibility. The verification must be on their agency letterhead, homeless assistance program identified, signed and dated.

Group Living With Friends or Relatives

A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists:

- 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.
- The group meets eligibility criteria for one of the homeless assistance programs listed above. (ERM 303)

In this case Claimant was still receiving Food Assistance Program (FAP) benefits through the State of New Jersey until July 31. Because no one can receive Food Assistance Program

(FAP) benefits in more than one state for any month, Claimant was not eligible for Food Assistance Program (FAP) benefits through the State of Michigan until August 2009.

Regarding the State Emergency Relief (SER) application, Claimant marked the application that he was residing with a friend. The policy cited above states those circumstances are not being homeless so Claimant was not eligible for the requested services.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied y Claimant’s Food Assistance Program (FAP) application because he was still receiving benefits through New Jersey and his State Emergency Relief (SER) application because he was not homeless.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 1, 2010

Date Mailed: July 2, 2010

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.

GFH/alc

cc:

