

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 200931874
Issue No.: 2000; 3002; 5016; 5032
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 13, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on October 13, 2010. The Claimant appeared and testified. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's SER, Food Assistance Program and Medical Assistance Program benefits?

FINDINGS OF FACT

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

- (1) Claimant applied for SER benefits on May 12, 2009.
- (2) Claimant's SER for heat fuel and electric were approved on May 21, 2009.
- (3) On May 21, 2009 Claimant's application for State Emergency Relief for a water bill was denied because a water bill or shut off notice was not provided.
- (4) Claimant requested a hearing on June 30, 2009 contesting the denial of her previous SER applications and determination of Food Assistance.
- (5) Claimant requested hearing on May 15, 2009 contesting actions the Department took with regard to "Medicaid and Move-in expense".

CONCLUSIONS OF LAW

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. The Department of Human Services’ [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual (“ERM”).

State Emergency Relief (“SER”) prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. When the group's heating or electric service for their current residence is in threat of or is already off and service must be restored, payment may be authorized to the provider up to the fiscal year cap. Payment must resolve the emergency by restoring or continuing the service for at least 30 days. ERM 301.

The Food Assistance Program, 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”), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq.* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

Verify actual or possible shutoff of water, sewer or cooking gas service by: • A disconnect notice from the utility. • Information from the utility provider’s secure Web site. • An overdue or delinquency notice when the water or sewer is not disconnected but the arrearage is added to the local tax bill. • The client’s statement of need for cooking fuel. ERM 302.

The AHR or, if none, the client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. BAM 600.

In the present case, Claimant requested hearing on May 12, 2009 and again on June 30, 2009 disputing the determination of State Emergency Relief assistance, Food Assistance and Medical Assistance. Claimant was incoherent at the hearing and attempted to address numerous issues that occurred after the request for hearing and numerous issues that occurred more than 90 days prior to the request for hearing. Specifically, Claimant sought to address actions with regard to her Food Assistance that occurred in November 2009 after the requests for hearing. Claimant sought to address requests for state emergency relief that were denied in 2008, these requests are

3200931874/AM

untimely. BAM 600. Issues that arose after these requests for hearing are not ripe. All issues that are untimely or unripe are DISMISSED.

Claimant raised issues with regard to her Food Assistance Program benefits. Claimant requested that her special dietary needs be considered in determining her benefit. Department policy does not take into consideration dietary needs in determining Food Assistance Program benefits. The Department's determination of Food Assistance Program benefits is in accordance with Department policy and is proper and correct.

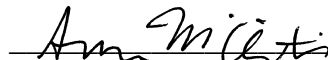
Claimant did not have specific complaints about Department actions with her regard to her Medical Assistance Program benefits. Claimant's request for hearing as it relates to Medicaid is DISMISSED.

Claimant raised issues in her request for hearing with regard to State Emergency Relief benefits. The Department's denial of assistance for water utility bill was proper and correct. Claimant presented no proof of an outstanding water bill or shutoff notice as required by Department policy. ERM 302

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was correct in the determination of SER, FAP and MA benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED. Issues that are untimely and unripe are DISMISSED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 21, 2010

Date Mailed: October 21, 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 90 days of the filing of the original request.

4200931874/AM

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.

AM/hw

cc:

