

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.: 2010-13255  
Issue No.: 3008/5003/4031  
Case No.: ██████████  
Load No.: ██████████  
Hearing Date:  
May 3, 2010  
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on May 3, 2010. Claimant appeared and testified; ██████████ also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), ██████████, Specialist, and ██████████, Specialist, appeared and testified.

ISSUE

1. Whether DHS properly denied Claimant's application for Food Assistance Benefits (FAP) due to failure to verify income.
2. Whether DHS properly denied Claimant's application for SDA due to Claimant's failure to claim disability.
3. Whether DHS properly made no decision on Claimant's request for State Emergency Relief (SER) due to Claimant not meeting the requirements of an emergency.

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 an unspecified date, Claimant completed an Assistance Application (DHS-1171) requesting SDA, FAP and SER benefits.
2. At the time Claimant submitted the DHS-1171, Claimant lived with his 21 year old son and ex-wife who was the mother of Claimant's son.
3. Claimant advised DHS that he wanted assistance with rent arrearage and a utility shut-off.
4. Claimant also advised DHS that his utilities were not in shut-off threat and his landlord had not yet requested a court date.
5. In response, Claimant was not given an application to apply for SER and was verbally told he would not be eligible for SER assistance.
6. On an unspecified date, DHS requested income verification regarding the income of Claimant's ex-wife.
7. Claimant did not supply DHS with the requested income verifications.
8. On 11/25/09, DHS denied Claimant's FAP benefits due to Claimant's failure to verify household income.
9. DHS also denied Claimant's request for SDA as Claimant did not list himself as disabled on the DHS-1171.
10. Claimant submitted a hearing request on 12/4/09 regarding denial of his FAP, SDA and SER benefits.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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 Emergency Relief Manual (ERM).

The Food Assistance Program (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant disputed the DHS denial for SDA benefits. Claimant is not eligible for cash assistance through Family Independence program (FIP) as no household members meet the “family” requirement. BEM 210. No household member is a dependent child, caretaker of a dependent child or pregnant. Claimant could receive SDA if he was disabled. It was not disputed

that Claimant did not list himself as a disabled member of the household on his Assistance Application (DHS-1171). Thus, DHS would have no knowledge that Claimant claimed to have a disability. DHS properly did not pursue SDA benefits for Claimant because Claimant did not inform DHS that he was claiming to be disabled.

Claimant's request for SER was also properly denied. Claimant wanted help for a utility bill and rent arrearage. The DHS specialist credibly testified that Claimant was asked about each during the intake interview. Claimant's responses revealed that he had yet to receive a shut-off from the utility company; this is a requirement for SER eligibility. ERM 301. Similarly, Claimant did not have a court date pending for eviction; also a requirement for SER eligibility. ERM 303. Claimant did not complete an application for SER, however, DHS did not err by not providing Claimant with an application as Claimant would have been denied anyway. DHS merely saved Claimant the hassle of not wasting his time in completing an SER application. Claimant had the right to apply for SER, however, the evidence did not indicate that Claimant was refused the opportunity to apply. ERM 102. The evidence also indicated that had Claimant submitted an SER application, he would have been denied for failing to meet the emergency requirements for assistance with his utilities and rent arrearage.

Claimant also contended that he was wrongly denied FAP benefits. It was not disputed that Claimant lived at the same address as his 21 year old son and his ex-wife who is also the mother of his son. Claimant contended that he eats separately from his son and ex-wife who live at the same address. Parents and their children under 22 years of age who live together must be in the same FAP group. BEM 212. DHS correctly found that Claimant's FAP group should include Claimant, his son and Claimant's ex-wife.

Claimant properly listed income for his ex-wife on the DHS-1171. For FAP benefits, DHS must verify all household income. BEM 500. DHS correctly requested income verification from Claimant regarding his ex-wife's income. Claimant contends that he was not able to verify his ex-wife's income because he did not have access to the information. Claimant's ex-wife testified that she sent DHS some documents but did not recall whether she supplied income verifications. DHS credibly testified that her income verifications were not received. It is found that Claimant failed to verify household income. Thus, DHS properly denied Claimant's request for FAP benefits due to failure to verify household income. As noted at the hearing, Claimant is not barred from reapplying for benefits at any time.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application for FAP, SDA and SER benefits.



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Christian Gardocki  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 5/18/2010

Date Mailed: 5/18/2010

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.

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