

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.: 201046704
Issue No.: 3000; 3012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 7, 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 September 7, 2010. The Claimant appeared and testified. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's Food Assistance Program and State Emergency Relief 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 receives \$107 per month in Food Assistance Program benefits.
- (2) Claimant applied for SER benefits.
- (3) Claimant's application for SER was approved on August 2, 2010 and payment was made. Claimant testified that she was satisfied with the actions taken by the Department with regard to SER.
- (4) Claimant requested a hearing on July 28, 2010 contesting the determination of SER and FAP benefits.

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.

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”).

In the present case, Claimant testified that she was satisfied with the actions taken with regard to State Emergency Relief. No reduction or other modification of Claimant’s Food Assistance Program benefits has occurred in many months. Claimant was asked what she disputed with regard to Food Assistance. Claimant complained that she did not have the resources to go get any food. It was explained that Food Assistance Benefits do not allow for travel reimbursement or transportation services. Claimant requested an exception be made in her case. It was explained that this Administrative Law Judge did not have the authority to override Department policy and make exceptions on a case to case basis.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the determination of FAP and SER benefits, and it is ORDERED that the Department’s decision in this regard be and is hereby AFFIRMED.

/s/



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

201046704/AM

Date Signed: September 16, 2010

Date Mailed: September 16, 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 of the rehearing decision.

AM/hw

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