

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.: 201050449
Issue No.: 1033
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 22, 2010
Office: 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 held on November 22, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Refugee Assistance Program (RAP) benefits effective 4/2010 due to Claimant already receiving the benefits for the eight month program limit.

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 was an ongoing RAP recipient.
2. Claimant is a refugee with a United States entry date of 8/17/2009.
3. Claimant received RAP benefits for the months of 8/2009-3/2010, a total of eight months.
4. On an unspecified date, DHS terminated Claimant's RAP benefits effective 4/2010 because Claimant reached the eight month program limit.

5. Claimant requested a hearing on 3/22/10 disputing the termination of RAP benefits.

CONCLUSIONS OF LAW

The Refugee Assistance Program (RAP) is a federal program which helps refugees to become self-sufficient after their arrival in the U.S. BEM 630 at 1. RAP has two components; Refugee Assistance Program Cash (RAPC) and Refugee Assistance Program Medical (RAPM). *Id.* RAPC is a cash program for refugees who are not eligible for the Family Independence Program (FIP). *Id.*

RAPC is available only during the eight months immediately following the refugee's date of entry into the U.S. or date asylum is granted. *Id.* Month one is the month containing date of entry or date of adjustment to refugee status. *Id.*

In the present case, it is not disputed that Claimant received eight months of RAP benefits. Claimant's only contention is that he is still in need of cash assistance after his eight month receipt of RAPC benefits.

Though the undersigned can sympathize with Claimant's need, Claimant is simply not entitled to RAPC benefits beyond the eight month program limit. DHS established that Claimant was issued RAP benefits for the eight months beginning with the month of U.S. entry. There is no exception within DHS regulations to extend the eight month limit of RAPC benefits. It is found that DHS properly terminated Claimant's RAP benefits effective 4/2010 on the basis that Claimant received the eight month maximum RAPC benefits permitted by DHS regulations.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's RAP benefits effective 4/2010. The actions taken by DHS are AFFIRMED.



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

201050449/CG

Date Signed: December 2, 2010

Date Mailed: December 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.

CG/hw

cc:

