

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: 2010-22368
Issue No: 2001, 3008, 5032
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 1, 2010
Ionia 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 April 1, 2010. Claimant appeared and testified.

ISSUES

Did the Department of Human Services properly close Claimant's Adult Medical Program (AMP) due to excess income?

Did the Department of Human Services properly deny Claimant's applications for State Emergency Relief (SER)?

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to failure to provide required documents?

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 recipient of Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits.

(2) On December 1, 2009, Claimant submitted a Semi-Annual Contact Report (DHS 1046) stating she had begun work at [REDACTED] on November 20, 2009.

(3) On December 7, 2009, Claimant submitted an application for State Emergency Relief (SER) relocation services.

(4) On December 10, 2009, Claimant was sent a Application Eligibility Notice form (DHS-1150) stating her application for State Emergency Relief (SER) relocation services was denied because there was no court ordered eviction notice submitted to the Department.

(5) On December 10, 2009, Claimant was incorrectly sent a notice that her Food Assistance Program (FAP) benefits would close on December 31, 2009 because she had not returned a Semi-Annual Contact Report (DHS-1046).

(6) On December 14, 2009, verification of Claimant's reported income from [REDACTED] was obtained and the income was entered into the Bridges computer program. A Notice of Case Action (DHS-1605) was automatically generated and sent to Claimant stating her Adult Medical Program (AMP) would close due to excess income.

(7) On December 2, 2009, Claimant quit her job at [REDACTED]

(8) On December 31, 2009, Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) benefits closed on January 1, 2010.

(9) On January 4, 2010, a Verification of Employment (DHS Form 38) form was received from [REDACTED] stating Claimant had quit work on December 20, 2009.

(10) On January 7, 2010, Claimant submitted another Semi-Annual Contact Report

(DHS-1046) and an application for Cash Assistance, Medical Assistance (MA), and Food Assistance Program (FAP).

(11) On January 11, 2010, Claimant was sent a Notice of Case Action (DHS-1605) stating her application for Cash Assistance and Medical Assistance (MA) benefits was denied but she was approved for Food Assistance Program (FAP) benefits.

(12) On January 12, 2010, Claimant submitted another application for State Emergency Relief (SER) requesting rent, moving expenses, electricity payment, water/sewer or cooking gas payment, a security deposit and heat payment. Claimant indicated on the application that she was homeless. The application was denied because Claimant had no income so housing was not affordable.

(13) On January 13, 2010, Claimant submitted hearing requests for all the closures and denials listed above.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained 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).

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).

At this hearing Claimant did not articulate any accurate allegations that the Department's actions were incorrect. The various issues Claimant has raised will be addressed by program.

Claimant's Adult Medical Program (AMP) was closed due to excess income. This record contains evidence of Claimant's income at [REDACTED] received on December 10, 2009. That evidence shows that Claimant: was hired on November 20, 2009; worked 7 hours during the pay period ending November 20, 2009 and was paid \$ [REDACTED]; and worked [REDACTED] hours during the pay period ending December 4, 2009 and was paid \$ [REDACTED]. Using the Department's policy for projecting income, Claimant's projected monthly income would be \$ [REDACTED]. The Adult Medical Program (AMP) income limit for Claimant was \$ [REDACTED]. On December 14, 2009 Claimant was sent notice that her Adult Medical Program (AMP) would close January 1, 2010. On December 20, 2009 Claimant quit her employment at [REDACTED] and informed the Department she was no longer employed on December 22, 2009. The ruse Claimant attempted is apparent. However, Department policy requires verification of the loss of income and that verification was not received by the Department until January 4, 2010. The closure of Claimant's Adult Medical Program (AMP) on January 1, 2010 for excess income was proper and in accordance with Department policy.

Claimant applied for Medical Assistance (MA) again on January 7, 2010. On that application Claimant did not mark that she was disabled and Claimant has no dependent children. The Adult Medical Program (AMP) is the only form of Medical Assistance (MA) Claimant might be eligible for. There was a freeze on enrollment for the Adult Medical Program (AMP) on January 7, 2010 so denial of her application for Medical Assistance (MA) was proper and in accordance with Department policy.

Prior to December 7, 2009 when Claimant applied for relocation services, she had a consistent address which she had reported to the Department. Department policy requires verification that a person is going to be without a place to live before relocation services can be approved. For persons who have a place to live that verification is most usually in the form of an eviction notice. When Claimant applied for the relocation services she supplied no verification or documentation which indicated she would no longer have a place to live. The Department's denial of State Emergency Relief (SER) on December 10, 2009 was proper and in accordance with Department policy.

Claimant again applied for relocation services as well as energy services on January 12, 2010. On this application Claimant listed herself as homeless, unemployed, and wanting to be relocated to a place with an expected rental of \$ [REDACTED] per month. Department policy requires that an applicant be able to afford the rental expense where they are moving to, before relocation services can be approved. Claimant had no income so she could not afford to pay \$ [REDACTED] rent per month. The Department's denial of Claimant's January 12, 2010 State Emergency Relief (SER) application was proper and in accordance with Department policy.

In this case the Claimant was incorrectly sent a notice of potential Food Assistance Program (FAP) closure on December 10, 2009. That notice indicated Claimant's Food

Assistance Program (FAP) case might close due to her failure to return a Semi-Annual Contact Report (DHS-1046). Evidence in this record shows that a Semi-Annual Contact Report (DHS-1046) was turned in on December 1, 2009. Based on the information the Department had in it's possession on December 31, 2009, the closure of Claimant's Food Assistance Program (FAP) case was improper. However, evidence in this record, which the Department obtained on January 4, 2010, shows that Claimant obtained employment at [REDACTED] worked more than 60 hours during a two week pay period, and then quit that employment. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

EMPLOYMENT-RELATED ACTIVITIES: FAP

DEPARTMENT PHILOSOPHY

Department of Human Services (DHS) has a unique opportunity to assist families in becoming strong, viable, participative members of the community. By involving the adult members of the household in employment-related activities, we help restore self-confidence and a sense of self-worth. These are cornerstones to building strong, self-reliant families.

The goal of the Food Assistance Program (FAP) is to ensure sound nutrition among children and adults. In addition, the goal of our employment-related policies for FAP households is to assist applicants and recipients toward self-sufficiency by providing them with opportunities to pursue employment and/or education and training.

DEPARTMENT POLICY

Use this item to determine work-related activities and deferrals for FAP clients.

WORK REQUIREMENTS

Non-deferred adult members of FAP households must comply with certain work-related requirements in order to receive food assistance.

However, unlike cash benefits, which are tied to participation in the Jobs, Education and Training (JET) program, there are **no hourly work participation requirements** for the Food Assistance Program. In order to receive FAP benefits, non-deferred adults must comply with the following work requirements:

Non-deferred adults who are already working may **not** do any of the following:

- Voluntarily quit a job of 30 hours or more per week without good cause.
- Voluntarily reduce hours of employment below 30 hours per week without good cause.
- Be fired from a job for misconduct or absenteeism.

Note: If the job quit, reduction in hours or firing occurred more than 30 days prior to the application date, no penalty applies.

Non-deferred adults who are **not** working or are working less than 30 hours per week must:

- Accept a bona-fide offer of employment.
- Participate in activities required to receive unemployment benefits if the client has applied for or is receiving unemployment benefits.

Note: If a client is an applicant or recipient of unemployment benefits, they must follow through with the unemployment benefits program's procedures and requirements. This work requirement does not apply to a client who is clearly not eligible for unemployment benefits. Do not require a client to apply for unemployment benefits in order to receive FAP.

Disqualify FAP clients for noncompliance if the applicant or recipient is neither deferred (see deferrals in this item), or noncompliant with one of the FAP work requirements listed above. (BEM 230B)

Based on the evidence in the record the closure of Claimant's Food Assistance Program (FAP) case on January 1, 2010 was a correct action because of Claimant quitting her employment. Claimant's January 7, 2010 application for Food Assistance Program (FAP)

benefits should not have been approved because of her job quit. This case should be reviewed to determine if an over-issuance has occurred.

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 closed Claimant's Adult Medical Program (AMP) due to excess income and properly denied Claimant's applications for State Emergency Relief (SER).

It is further decided that the Department of Human Services did not properly close Claimant's Food Assistance Program (FAP) case due to failure to provide required documents but should have closed the case due to Claimant's non-compliance with Food Assistance Program (FAP) work requirements.

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: April 13, 2010

Date Mailed: April 13, 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:

