

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.: 2010-34338
Issue No.: 1000/5016
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 9, 2010
Wayne County DHS (76)

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 Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on June 9, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED] [REDACTED] Manager, appeared and testified.

ISSUE

1. Whether DHS properly calculated Claimant's group composition for Family Independence Program (FIP) benefits beginning 5/1/10.
2. Whether DHS properly denied Claimant's 4/22/10 request for State Emergency Relief (SER) due to Claimant already receiving the maximum allowed authorized by policy within the DHS fiscal year.

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 FIP ineligible grantee on her grandchild's FIP benefits case.
2. On an unspecified date, Claimant requested to be added to her grandchild's case.
3. On 2/8/10, DHS referred Claimant to JET.
4. Claimant failed to attend her 2/8/10 JET appointment.
5. Claimant later reported that she is too disabled to attend JET and should be deferred from participation.
6. Claimant submitted her medical documents for potential JET deferral to DHS on 6/9/10.
7. Client's medical documents were dated on or about 5/1/10.
8. Claimant applied for SER for assistance with her gas and electricity on 4/22/10.
9. DHS approved a \$186.75 payment for Claimant's electricity on 4/30/10.
10. DHS denied Claimant's heat/gas request because Claimant had already received the maximum amount allowed (\$550) for SER heat/gas assistance within the fiscal year.
11. Claimant submitted a hearing request on 5/10/10 disputing the denial of her SER (gas/heat) request and disputing her FIP benefit amount based on DHS not counting Claimant as a FIP group member.
12. At the 6/9/10 hearing, DHS and Claimant agreed that Claimant's FIP benefits would include Claimant as a group member beginning 5/1/10; it was also agreed that DHS properly denied Claimant's 4/22/10 SER application.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC

R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. 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).

MCL 24.278(2) and MSA 3.560(178)(2) provide that a contested case may be disposed of by stipulation of the involved parties to a settlement. Prior to the conclusion of the hearing, DHS volunteered to recalculate Claimant's FIP group composition beginning 5/1/10 with Claimant to be included as a group member. It was also agreed that DHS properly processed Claimant's 4/22/10 SER application though Claimant could reapply for SER assistance. DHS indicated that the maximum payment for gas/heat assistance has been increased since Claimant's prior SER application.

DECISION AND ORDER

The actions taken by DHS are REVERSED in part. It is ordered, based upon agreement of the parties, that DHS recalculate Claimant's FIP benefits beginning 5/1/10 adding Claimant as a medically deferred group member.

The actions taken by DHS are AFIRMED in part. The Administrative Law Judge, based upon the agreement of the parties, finds that DHS properly denied Claimant's 4/22/10 request for SER benefits.



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

Date Signed: 6/15/2010

Date Mailed: 6/15/2010

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.

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/jlg

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