

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-52862
Issue No.: 2009/3002/5026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 10, 10, 2011
Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 January 10, 10, 2011. The claimant appeared and testified.

ISSUE

1. Did the department correctly calculate the Claimant's Food Assistance (FAP)?
2. Was the department correct in denying the claimant's State Emergency Relief (SER) application?
3. Did the department correctly process the claimant's Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The claimant is a FAP recipient.
2. The claimant is receiving \$694.00 per month in SSI payments for disability.
3. The department lowered the claimants FAP benefits from \$200.00 per month to \$160.00 due to the claimant's SSI income.

4. On August 20, 2010, the Claimant filed a request for a hearing contesting his FAP benefit and the denial of an application for State Emergency relief (SER) for relocation.

CONCLUSIONS OF LAW

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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 Bridges Reference Manual (BRM).

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 State Emergency Relief Manual (SER).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The claimant questions the amount of the FAP allotment. The department did not provide a FAP budget. This ALJ has no documentation with which to decide the proper FAP allotment.

The claimant also questions the denial of his SER application for rent/relocation. The department testified that the claimant resolved his SER emergency by himself.

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met.

Homeless

The SER group is homeless. The definition of homeless includes:

Persons living in an emergency shelter or motel, in HUD-funded transitional housing for homeless persons who originally came from the street, in a car on the street or in a place unfit for human habitation and there is no housing they can return to. Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless.

Persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting with no plan or resources for housing and no housing to return to.

Persons who meet the eligibility requirements for one of the following homeless assistance programs:

Homeless Assistance Recovery Program (HARP).

Transitional Supportive Housing Leasing Assistance Program (TSHLAP).

Transition In Place Leasing Assistance Program (TIPLAP).

Rapid Re-Housing Leasing Assistance.

Temporary Basic Rental Assistance (TBRA) funded by MSHDA. (ERM 303, pp. 1-2)

In the instant case when the claimant resolved his own lack housing he ceased to be eligible for the applied for SER grant.

This ALJ finds that the department was correct in its denial of the claimants SER application.

In the matter of the claimant's MA, the department testified that it was currently ascertaining the claimant's MA eligibility.

MA Only

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. The Social Security Administration (SSA) determines SSI eligibility.

In Michigan, DHS supplements federal SSI payments based on the client's living arrangement. Thus, in this item **SSI recipient** means a Michigan resident who receives the basic federal payment, the state supplement, or both.

To be **automatically** eligible for Medicaid (MA) an SSI recipient must:

Be a Michigan resident, **and**

Cooperate with third-party resource liability requirements.

DHS administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end.

Ongoing MA eligibility begins the first day of the month of SSI entitlement. Some clients also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement. See [BAM 115](#). (BEM 150, p.1).

Here, it was agreed that the claimant had become eligible for SSI payments based on disability.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, AFFRIMS the department's actions finding that the claimant SER was correctly denied. Furthermore, the department is REVERSED AND ORDERED to recalculate the claimant's FAP.

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Finally, the department is ORDERED to begin the claimant's MA as he is receiving SSI disability benefits.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/7/2011

Date Mailed: 2/7/2011

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.

MJB/jlg

cc:



Administrative Hearings (2)