

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.: 2011-2958
Issue No.: 4003/1021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 22, 2010
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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. An interpreter, [REDACTED], appeared and interpreted on behalf of the Claimant. The Department also appeared through its representatives [REDACTED], FIS and [REDACTED], ES.

ISSUE

1. Whether the Department properly closed the Claimant's Refugee Assistance benefits?
2. Whether the Department properly pended to close the Claimant's application for SDA for failure to return the requested medical verifications within the time period provided?

FINDINGS OF FACT

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

1. The claimant was granted asylum status on March 31, 2010, which entitled her to receive refugee assistance program benefits. Exhibit 1
2. The department closed the claimant's refugee assistance benefits case in October 2010 as the eight month eligibility period had expired.

3. On October 7, 2010, a verification checklist was sent to the claimant requesting proof of disability in support of the claimant's state disability assistance (SDA) application. Exhibit 2
4. The department properly closed the claimant's refugee assistance case.
5. The claimant does not speak or understand English and required the assistance of an interpreter at the hearing.
6. The claimant did not understand that she was required to have a doctor to complete the verification forms sent to her.
7. At the hearing, the department agreed to allow the claimant's until December 6, 2010 to submit the medical verification of disability forms. Upon receipt of the forms by the due date the department shall process the claimant's SDA application.
8. If the claimant does not submit the verifications by December 6, 2010 department shall be entitled to deny the claimant's application for SDA.
9. Based on this agreement the claimant agreed that she no longer needed to proceed with the hearing with regard to the SDA application.
10. Claimant requested a hearing on October 10, 2010 protesting the department's closure of her refugee assistance case. The department received claimant's hearing request on October 26, 2010.

CONCLUSIONS OF LAW

The Refugee Assistance Program (RAP) is a federal program established by the U.S. Congress pursuant to The Immigration and Nationality Act and the Code of Federal Regulations 45 CFR 400 and P.L. 106-386 of 2000, Section 107. The Department of Human Services (formerly known as the Family Independence Agency) administers the RAP program. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Refugee Assistance Program

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

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Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

In this case, the claimant has been receiving refugee assistance benefits, a form of cash assistance to refugees granted asylum, since March 31, 2010. In accordance with BEM 630, page 7, the department closed the claimant's refugee assistance case as claimant's are only entitled to eight months of refugee cash assistance after asylum is granted. The department properly closed the claimant's case in October 2010 when the eight-month period had expired. Based upon the department's actions and the proofs and testimony submitted by the department at the hearing it is determined that the department properly closed the claimant's refugee assistance case.

SDA Settlement

The State Disability Assistance (SDA) Program which provides financial assistance for disabled persons in established by 2004 PA 344. The Department of Human Services (DHS or Department) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R400.3151-400.3180. Department policies are found in the Bridges Manual (BM) and Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

Under BAM 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case the Department has agreed to allow the claimant to submit medical verifications on or before December 6, 2010. The department agreed to give the claimant a new medical verification checklist form which is to be completed by a doctor or doctors to treat the claimant. Upon receipt of the verifications completed by the claimant and her doctors, the department shall process claimant's SDA application. If the claimant does not submit the requested verification by December 6, 2010, the department shall be entitled to deny the claimant's SDA application.

As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues regarding her SDA application in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the claimant's Refugee Assistance Benefits and its decision in that regard is hereby AFFIRMED.

The Administrative Law Judge and Claimant have come to a settlement regarding claimant's request for a hearing regarding her application for state disability assistance and therefore it is not necessary for this administrative law judge render a decision with regard to that issue.

Accordingly, it is ORDERED:

1. The department shall provide the claimant's a new request for verification of medical disability to the claimant at the hearing.
2. The claimant shall have until December 6, 2010 to return the requested medical verifications to the department. The department shall upon receipt of verifications process the application.
3. If the claimant does not submit requested medical verifications by December 6, 2010 or otherwise request an extension to submit the verifications prior to the due date of December 6, 2010, the department shall be entitled to deny the claimant's application if it does not receive the requested medical verification information by the due date.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/29/2010

Date Mailed: 11/29/2010

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

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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.

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