

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: 20113223
Issue No: 1001, 1002,
5006
Case No: [REDACTED]
Hearing Date:
December 15, 2010
Wayne County DHS (19)

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 has conducted from Detroit, Michigan on December 15, 2010. The Claimant appeared and testified. The Claimant's daughter, [REDACTED] also appeared and testified as a witness. Phil Dew, FIM and Sandra Gonzalez, Jet worker appeared for the Department.

ISSUE

Whether the Claimant is eligible to receive State Emergency Relief for heating assistance?

Whether the Department properly removed from the Claimant's FIP group his daughter who was no longer attending high school and was over the age of 18.

FINDINGS OF FACT

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

1. The Claimant's minor child is a current FIP cash assistance recipient.
2. The Claimant is disabled and receives SSI and is not eligible for FIP.
3. On September 3, 2010, the Department issued a Notice of Case Action reducing the Claimant's FIP Cash Assistance benefits from \$274 to \$158 per month. Exhibit 1.
4. The Department sent a request for verification of the Claimant's daughter's school status dated August 19, 2010 and received notification on August 30, 2010 that the Claimant's daughter, [REDACTED] was attending [REDACTED]. Exhibits 2 and 3.
5. The Department reduced the FIP Cash Assistance benefits because the Claimant's daughter had turned 18 years of age and was no longer attending high school as she had graduated and thus was no longer eligible to receive cash assistance. Exhibit 4 and Exhibit 1.
6. Previously, the Claimant's son had been removed from the Cash assistance in August 2009 as he had completed high school and was 19 years of age. Exhibit 5
7. The claimant applied for State Emergency Relief (SER) on July 26, 2010, seeking assistance for electricity and heating assistance. Exhibit 6
8. The Claimant's application was processed late on August 19, 2010. The State Emergency Relief Decision Notice required that the Claimant provide proof of payment that he had paid his electric bill in the amount of \$48.02 and heat in the amount of \$724.01, prior to September 16, 2010, in order to have the Department provide SER assistance. Exhibit 7

9. Claimant's application was approved with a co-pay of \$770.03.
10. Claimant was to provide proof that this co-pay had been met by September 16, 2010.
11. The Claimant testified at the hearing that he provided the required proof of the payments prior to the due date.
12. The Claimant paid a heating bill in the amount of \$722 on May 18, 2010.
Claimant Exhibit 1
13. The Claimant paid \$280 on September 16, 2010 for the heating bill,
Claimant Exhibit 2.
14. The Department testified that it did not receive the proof of payments.
15. The Department did pay \$192.07 of the electric bill and indicated that it believed that the Bridges computer system authorized the payment.
16. At the hearing, the Claimant indicated that the Claimant did not receive the hearing packet. The Claimant was given 10 days to provide proof of payment of his heat and electric bills, which he had applied for SER assistance from DHS. Because the Claimant did not receive the hearing packet, he did not understand that this hearing involved his SER hearing request.
17. The Claimant made two hearing requests. The Claimant requested a hearing regarding the FIP Cash assistance reduction on August 27, 2010 and another hearing request protesting the Department's failure to process the SER application on August 27, 2010. Both hearing requests were received by the Department on September 13, 2010.

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 Bridges Program Reference Manual (PRM).

The Claimant's FIP Cash assistance was reduced when his daughter was no longer eligible as she was no longer in high school and had reached the age of 18. FIP eligibility of dependent children is governed by BEM 210 which provides the definition of a dependent child:

A **dependent child** is an unemancipated child who lives with a caretaker and is one of the following:

- Under age 18.
- Age 18 or 19 and a full-time high school student expected to graduate before age 20. See [BEM 245](#), for definition of high school.

The Department's exclusion of the Claimant's daughter, and earlier in 2009, his son, was correct as it was based on the verification received regarding both children and confirmed that they were no longer eligible to be included for Cash Assistance due to their age and graduation from high school. The claimant's son was not removed from the FIP case until August or September of 2009, even though the school indicated he would graduate in June 2009.

Based upon the foregoing policy, the Department correctly removed the claimant's children from the FIP group as they were no longer eligible. The Claimant is not eligible for FIP because he receives SSI as per BEM 210 page 7. The Claimant's wife is not eligible as she is not a citizen and is not a resident alien as she has not resided in the U.S. for five years. The Claimant's infant son is eligible. BEM 210.


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 (ERM).

SER cannot be authorized until a benefit group has made a required shortfall co-payment. ERM 401. After a thorough review of the documents submitted by the Claimant and the Department, there is no proof that any payment was made between August 18, 2010 and September 16, 2010 which would qualify to satisfy in the claimant's required contribution for the heating bill. It is noted that the Claimant made a payment on September 16, 2010 of \$280 to stop a shutoff but this payment is not sufficient to establish that the total amount of \$724.01 was paid. A prior payment of \$722 in May 18, 2010 does not qualify to establish compliance with the Decision Notice of August 19, 2010 which required the claimant to make a payment of \$724.01 for the heating bill on or before September 16, 2010. The May 2010 payment was made prior to the application for SER dated July 26, 2010 which is the subject of this hearing. Based upon the record as a whole it must be determined that the department properly denied the Claimant's request for SER heating assistance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision reducing the Claimant's FIP Cash Assistance was correct and is therefore AFFIRMED.

The Department's decision denying the Claimant's SER application for heating assistance because the Claimant did not make the required co-payment by the due date is correct and is therefore AFFIRMED.


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

Date Signed: 01/21/11

Date Mailed: 01/21/11

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 mailing 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.

LMF/dj

cc:

