

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 201210488
Issue No.: 3002, 5026
Case No.: [REDACTED]
Hearing Date: December 5, 2011
County: Macomb County DHS (12)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on December 5, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], ES.

ISSUE

Did the Department properly compute the Claimant's food assistance benefits?

Did the Department properly deny the Claimant's application for emergency rent assistance?

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 an ongoing recipient of food assistance.
2. the Department increased the Claimant's food assistance effective October 1, 2011 to \$165.
3. The Claimant applied for SER rent assistance on October 18, 2011. The SER application was denied because the Department could not verify that a lease existed.

4. The Claimant does not have a permanent home and her rent fluctuates monthly.
5. The Claimant requested a hearing on October 18, 2011 protesting the amount of her food assistance and denial of her application for SER rent assistance.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

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 1993 AACS R 400.7001-400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the 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.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of

1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, The Claimant's FAP benefits for November 2011 were reviewed, and it was determined that the benefits which were increased to \$165 as calculated by the Department were correct. The Claimant confirmed that she receives social security and that amount of income used to compute the FAP benefits was correct. The Claimant disputed that the Department did not include a shelter expense, in fact the evidence demonstrated that the Department used rent receipts provided to the Department by the Claimant for the [REDACTED] in the amount of \$69 nightly for September 30, October 1, and October 2, 2011. The Department assisted the Claimant in obtaining the rent amount by confirming by telephone the amounts. Based upon the evidence presented the Department correctly calculated the Claimant's November 2011 benefits and included the correct rent and income. BEM 554. The Claimant's FAP benefits as calculated by the Department were done in accordance with Department policy.

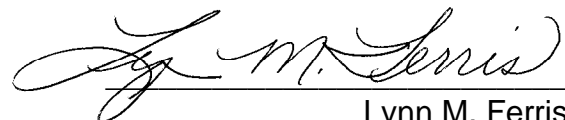
The Claimant's SER emergency housing rent assistance application was denied when the lease could not be confirmed by the Department with the landlord. In an effort to assist the Claimant, the Department contacted the [REDACTED], where the Claimant said she had a lease, to confirm that the Claimant had a lease with the landlord. The landlord indicated that the Claimant had no lease with the [REDACTED] and based on this information, the Department denied the Claimant's application. The Claimant did not provide proof of the lease at the hearing. Based on these facts the Department had no choice but to deny the Claimant's application for emergency housing rent assistance. BEM 130.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when it calculated the Claimant's FAP benefits based upon shelter costs receipts provided by the Claimant and also properly denied the Claimant's SER emergency housing rent assistance. did not act properly when .

Accordingly, the Department's AMP FIP FAP State Emergency Relief MA SDA CDC decision is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/7/11

Date Mailed: 12/7/11

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

cc:

