


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


**IN THE MATTER OF:**



Reg. No.: 2012-34062  
Issue No.: 1021; 5032  
Case No.:   
Hearing Date: September 20, 2012  
County: Wayne (17)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**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 September 20, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included  FIM.

**ISSUE**

Did the Department properly  deny Claimant's application  close Claimant's case for:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)?          |
| <input type="checkbox"/> Food Assistance Program (FAP)?                | <input checked="" type="checkbox"/> State Emergency Relief (SER)? |
| <input type="checkbox"/> Medical Assistance (MA)?                      | <input type="checkbox"/> Child Development and Care (CDC)?        |

**FINDINGS OF FACT**

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

1. Claimant  applied for benefits  received benefits for:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP).         |
| <input type="checkbox"/> Food Assistance Program (FAP).                | <input checked="" type="checkbox"/> State Emergency Relief (SER) |
| <input type="checkbox"/> Medical Assistance (MA).                      | <input type="checkbox"/> Child Development and Care              |
- (CDC).

2. On January 10, 2012, the Department  
 denied Claimant's application.  
 closed
3. On January 17, 2012 Claimant filed a hearing request, protesting the  
 denial of the application.  closure of the case

### **CONCLUSIONS OF LAW**

#### **FIP**

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 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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

In the present case, the Department denied Claimant's FIP application due to federal time limits. However, the Department presented no evidence substantiating overcoming the BP 2012-006 directive with respect to suspension of the Department's policy on federal time limits. Therefore, it cannot be determined that the Department acted properly with respect to FIP.

#### **SER**

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 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

In the present case, Claimant testified that her landlord allowed her to stay in the residence at issue until June 1, 2012. ERM 101 states that an applicant must have "an emergency which threatens health or safety and can be resolved through issuance of SER." Since Claimant's emergency as to shelter was resolved, as an issuance of an SER payment would not resolve an emergency with regard to Claimant's SER application of December 14, 2011, Claimant's hearing request of February 1, 2012 is hereby DISMISSED.

### **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

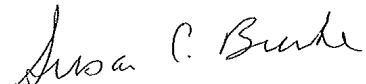
did act properly.       did not act properly.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reprocessing of Claimant's December 14, 2011 FIP application.
2. Issue FIP supplements for any missed or increased payments, December 14, 2011 and ongoing.

It is FURTHER ORDERED that Claimant's request for hearing regarding SER is DISMISSED for reasons stated within the record.



**Susan C. Burke**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: October 10, 2012

Date Mailed: October 10, 2012

**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 mailing 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

2012-34062

Re Michigan Administrative Hearings  
consideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

SCB/ctl

cc: [REDACTED]  
Wayne County DHS (17)/1843

[REDACTED]

S. Burke