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

IN THE MATTER OF:



Reg. No.: 20124801 Issue No.: 5012

Case No.:

Hearing Date: January 25, 2012

County: Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400. 9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a selephone hearing was held on J anuary 25, 2012, from Detroit, Michigan. Participant son behalf of Claimant included the Claimant, Claimant's witness. Part icipants on behalf of Department of Human Servic es (Department) included Family Independence Manager, and Eligibility Specialist.	
ISSI	<u>UE</u>
Did the Departm ent properly ⊠ deny Claiman t's application ☐ close Claimant's case for:	
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐ State Emergency Relief (SER)?	☐ Adult Medical Assistance (AMP)? ☐ State Disability Assistance (SDA)? ☐ Child Development and Care (CDC)?

FINDINGS OF FACT

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

1. Claimant applied for State Emergency Relief (SER) benefits

2.	On August 17, 2011, the Department	
3.	On August 17, 2011, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.	
4.	On September 23, 2011, Claimant filed a hearing request, protesting the \boxtimes denial of the application. \square closure of the case.	
CONCLUSIONS OF LAW		
	partment policies are contained in the Br idges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).	
Re 42 Ag thr	The Family Independence Program (FIP) was established purs uant to the Personal sponsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly k nown as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.	
pro imp Re Ag	The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) ogram] is establis hed by the Food St amp Act of 1977, as amend ed, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.	
Se Th Ag	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department of Human Services (formerly known as the Family Independ ence ency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 0.105.	
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, <i>et seq</i> .	
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The D epartment of Human rvices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 20 00 AACS, Rule 400.3151 through le 400.3180.	

∑ The State Emergenc y Relief (SER) program is established by 2 004 PA 344. The SER program is administer ed pursuant to MCL 400.10, et seq., and by 1999 AC, Rul e 400.7001 through Rule 400.7049. Department polic ies are found in the State Emergency Relief Manual (ERM).
☐ The Child Development and Care (CDC) program is establishhed by Titles IVA, IVE and XX of the Soc ial 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 1999 AC, Rule 400.5001 through Rule 400.5015.
Additionally, the Department testified that the Claimant submitted an application for SER benefits to assist with a furnance repair, heat, and electric. The Department further testified that it processed the SER application twice and the final basis for the denial of the furnance repair is that the Claimant's housing was not affordable. The Department has approved the electric and heat SER benefits.
The Department policy on housing affordability for S ER benefit's states that housing affordability is a condition of eligibility for certain SER services. ERM 207. To determine housing affordability, the Department must multiply the group's total net countable income by 75 percent. The result is the maximum total housing obligation the group can have based on their income, and be eligible for SER housing services. ERM 207.
In this case, the Department testified that it used the Claimant's FAP budget when it determined that the Claimant is housing was unaffordable. Specifically, the Department testified that after applying the deductions in the FAP budget the Claimant had zero net income. The Department has not acted in accordance with Department policy by usin g the adjusted net income figure set forth in the FAP budget. The Department polic y clearly states that total net income is to be used in determining housing affordability. The net income listed in the FAP budget is not an appropriate source because there are several deductions that are so lely FAP deductions that are applied to the Claimant's gross income to utlimately come up with Department has failed to establish that it Accordingly, the Department's denial of affordability is reversed.
Based upon the abov e Findings of Fact and Co nclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department
 □ properly denied Claimant's application □ properly closed Claimant's case □ improperly closed Claimant's case
for: ☐ AMP ☐ FIP ☐ FAP ☐ MA ☐ SDA ☒ SER.

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.

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

- 1. The Department shall register the Claimant's original SER application and process in accordance with Department policy.
- 2. The Department shall supplement the Claimant for lost benefits he was eligible and otherwise qualified to receive based on the original application.

Ahdrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 15, 2012

Date Mailed: February 15, 2012

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 <u>MAY</u> 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.

2012-4801/AJB

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings

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

AJB/cl

