

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

IN THE MATTER OF:



Reg. No.: 2012-5234
Issue No.: 3008
Case No.:
Hearing Date: January 26, 2012
County: Wayne (35)

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 January 26, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included and ES.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with shelter emergency?

Did the Department properly deny Claimant's request for Medical Assistance (MA)?

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

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

FINDINGS OF FACT

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

1. Claimant applied for MA and SER for rent and was receiving FAP.

2. Claimant was denied MA benefits because there was a freeze on the Adult Medicare Program (AMP) and she did not otherwise qualify for MA.
3. Claimant was denied SER because her group did not meet the affordability test.
4. As to FAP, Claimant was was not provided with a Verification Checklist (DHS-3503).
5. As to FAP, Claimant was required to submit requested verification by August 18, 2011.
6. As to FAP, Claimant provided the requested documentation to the Department in a timely manner.
7. As to FAP, On September 1, 2011, the Department:
 - denied Claimant's application
 - closed Claimant's FAP case
 - reduced Claimant's benefitsfor failure to submit verification in a timely manner.
8. On September 8, 2011, Claimant filed a hearing request, protesting the action of the Department.

CONCLUSIONS OF LAW

Department policies are found 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 1999 AC, Rule 400.3101 through Rule 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 1999 AC, Rule 400.3001 through Rule 400.3015.

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACCS, Rule 400.3151 through Rule 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 1999 AC, Rule 400.5001 through Rule 400.5015.

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).

MEDICAL ASSISTANCE

There are MA categories for clients who are:

- Age 65 or older, blind, or disabled.
- Pregnant or recently pregnant.
- Caretaker relatives of dependent children.
- Under age 21.
- Refugees.

BEM 640, p.1

In the present case, Claimant does not claim to meet any of the above-stated categories. In addition, the Adult Medical Program was not open at the time of Claimant's application of August 17, 2011. Therefore the Department was correct in its denial of Claimant's MA application.

Food Assistance Program

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide the information should be extended at least once. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130.

In the present case, Claimant testified credibly that she did receive the verification checklist, and that she submitted the requested verification in a timely manner. Claimant detailed that she went to the Department office three times because the paperwork kept going to the wrong person. I cannot find that Claimant failed to cooperate. In addition, the Department is required to protect Claimant's rights. BAM 105.

STATE EMERGENCY RELIEF

ERM 207 specifies that the total housing obligation cannot exceed seventy-five percent of the group's total net countable income.

In the present case, the pay stubs of Claimant's daughter reflect a monthly income of \$720.00. 75% of \$720.00 is \$540.00. Claimant's rent obligation was \$477.00. The Department was therefore incorrect in denying Claimant's SER for rent due to the shelter not being affordable.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly denied Claimant's request for MA, but improperly closed Claimant's FAP case and improperly denied Claimant's SER request.

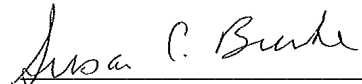
DECISION AND ORDER

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 with respect to MA, but did not act properly with respect to FAP and MA.

Accordingly, the Department's decision is AFFIRMED in part and REVERSED in part 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 reinstatement of Claimant's FAP case, effective September 1, 2011, if Claimant is otherwise eligible for FAP.
2. Initiate issuance of FAP supplements, September 1, 2011 and ongoing, if Claimant is otherwise eligible for FAP.
3. Re-determine Claimant's SER application of August 25, 2011 and issue a New SER Decision Notice.



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

Date Signed: 1/31/12

Date Mailed: 1/31/12

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 receipt 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:

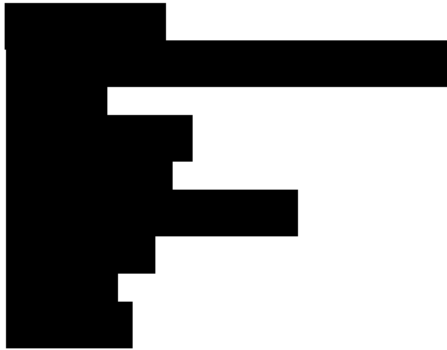
- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical 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.

2012-5234/SCB

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

SCB/sm

cc:

A large black rectangular redaction box covers the email addresses listed in the 'cc:' field. The redaction is complete, obscuring all text underneath.