

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012 9946
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: November 29, 2011
County: Wayne County DHS (41)

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 November 29, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], FIS and [REDACTED], FIM.

ISSUE

Did the Department properly close Claimant's case for Family Independence Program (FIP) benefits?

Did the Department Properly deny the Claimant's application for State Emergency Relief for 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. Claimant was an ongoing recipient of FIP benefits.
2. On 10/1/11, 2011, the Department notified Claimant that Claimant's FIP case would close effective **11/1/11**, because Claimant exceeded the lifetime limit on the receipt of FIP assistance.

3. The Department denied the Claimant's request for SER on the basis that the Claimant had unmet required payments resulting in a shortfall equal to, or over, the amount needed to resolve the emergency.
4. On November 2, 2011, Claimant filed a Request for Hearing, disputing the Department's action on the basis that the Department

- miscalculated the number of months Claimant had received FIP benefits and
- improperly denied the Claimant's SER application.
- improperly determined Claimant's group composition.

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

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).

FIP Assistance

FIP is not an entitlement. BEM 234. Time limits are essential to establishing the temporary nature of aid as well as communicating the FIP philosophy to support a family's movement to self-sufficiency. BEM 234. BEM 234 restricts the total cumulative months that an individual may receive FIP benefits to a lifetime limit of 48 months for state-funded FIP cases and 60 months for federally-funded FIP cases.

Additionally, in this case the Department conceded that the Department correctly computed the federal months as 75 months and that the computation was correct and exceeded the 60 month federal limit. Claimant requested a hearing to dispute the Department's action. Shortly after commencement of the hearing, Claimant testified that s/he now understood and accepted the actions taken by the Department. Claimant also testified that s/he did not wish to proceed with a hearing. The Department agreed to the dismissal of Claimant's hearing request. Pursuant to MAC R 400.906(1), Claimant's hearing request is hereby DISMISSED

SER Application

The Department did not meet its burden of proof to demonstrate by a budget or other information the basis for its decision finding that the Claimant's application for SER was denied due to a shortfall amount for unmet required payments equal to, or greater than, the rent owed. No evidence supporting the basis for the Department's denial of the application was presented or offered.

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

In this case, on November 1, 2011 , the Department

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

for:

- Family Independence Program (FIP). Adult Medical Assistance (AMP).
- Food Assistance Program (FAP). State Disability Assistance (SDA).
- Medical Assistance (MA). Child Development and Care (CDC).
- State Emergency Services (SER).

Based on the above discussion, it is ORDERED that this matter is DISMISSED pursuant to MAC R 400.906(1).

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

- did act properly did not act properly
when it closed Claimant's application for SER assistance.

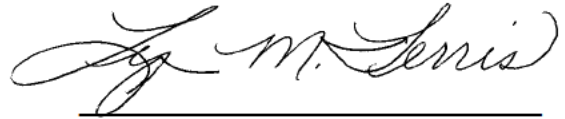
Accordingly, the Department's decision is

- AFFIRMED
- REVERSED

for the reasons stated above and 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. The Department shall initiate reinstatement of the Claimant's application for SER retroactive to the date of closure and shall reprocess the application.



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

Date Signed: 11/30/11

Date Mailed: 11/30/11

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:

