

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201275672
Issue No.: 5032
Case No.: [REDACTED]
Hearing Date: March 26, 2013
County: Genesee 06

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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, an in-person hearing was held on March 26, 2013, from Flint, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED], Lead Worker.

ISSUE

Did the DHS properly deny Claimant's SER application?

FINDINGS OF FACT

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

1. On 10/2/11, Claimant submitted an SER application for [REDACTED] and [REDACTED].
2. On 10/11/11, the DHS issued a notice to Claimant informing her that the reason was that the housing was unaffordable.
3. On 10/20/11, Claimant submitted a hearing request.
4. On 2/1/12, an administrative hearing was held with Judge [REDACTED]. Judge [REDACTED] found that the DHS failed to present sufficient evidence for the Administrative Law Judge (ALJ) to make a decision which would support the actions take by the DHS. The DHS was reversed in order to process the case.

5. On 2/10/12, the DHS issued another denial notice indicating the housing was unaffordable.
6. On 2/28/12, Claimant filled another hearing request.
7. On 5/3/12, Judge [REDACTED] held a second administrative hearing regarding Claimant's SER request. Judge [REDACTED] reversed on the grounds that the hearing packet was insufficient and ordered the DHS to reprocess the case.
8. Claimant indicated at the administrative hearing that it took the DHS 86 days for the DHS to act on Judge [REDACTED] action.
9. On 8/29/12, Claimant filed another hearing request as the DHS failed to communicate with Claimant regarding disposition pursuant to Judge [REDACTED] decision.
10. At the 3/26/13, administrative hearing, no one from the DHS appeared. The DHS issued a notice of hearing well in advance giving the DHS sufficient time to attend and prepare for the hearing. Upon inquiry, the DHS sent an individual into the administrative hearing who had no knowledge of the case. That individual, while quite pleasant and helpful, had to spend much time reviewing this case. The DHS did an assessment of Claimant's eligibility that Claimant's housing was affordable.
11. Claimant submitted sufficient and adequate evidence that she currently and has had an ongoing judgment and re-judgments for rent which have not been enforce as she has been a [REDACTED] 8 [REDACTED] year [REDACTED] and has been representing to the [REDACTED] that the same amount which has been outstanding since her original hearing has yet to be processed by the Michigan DHS.
12. The DHS subsequently submitted documentation that Claimant's total shelter obligation pursuant to a budget shows that the DHS is obligated to pay Claimant \$ [REDACTED]

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 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 ACS, 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.

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 (SER).

Credible and substantial evidence on the record shows that the DHS payment in this case should have been \$████ and continues to be \$████. The DHS stipulated in its correspondence that the housing is not only affordable, contrary to two negative actions indicating contrary, and that Claimant's eligibility amount is \$████. The DHS indicated in its communication that it would expedite the processing of the help desk ticket to assist Claimant in getting her relief.

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 when the DHS denied Claimant's application for housing affordability on 3 separate occasions.

Accordingly, the Department's AMP FIP FAP MA SDA CDC SER 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. Immediately issue \$ [REDACTED] to Claimant pursuant to the procedures under the SER program for rental assistance.

It is so ORDERED.

/s/
Janice G. Spodarek
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/3/13

Date Mailed: 5/6/13

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.

201275672/JGS

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

JGS/tb

cc:

