

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201313061
Issue No.: 2018; 3014; 5026
Case No.: [REDACTED]
Hearing Date: January 31, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 31, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's friend. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Medical Contact Worker.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) case?

Did the Department properly reduce Claimant's Food Assistance Program (FAP) benefits based on decreased FAP group size?

Did the Department properly deny Claimant's application for State Emergency Relief (SER) assistance with housing?

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 MA and FAP benefits.
2. On October 19, 2012, the Department sent Claimant a Notice of Case Action notifying her that effective November 1, 2012, her MA case would close because Claimant was not eligible and her FAP benefits would be reduced to \$200 monthly

because her daughter was no longer living with her resulting in a reduced group size.

3. On October 26, 2012, Claimant applied for SER assistance to prevent eviction.
4. On October 29, 2012, the Department sent Claimant a SER Decision Notice advising her that her application was denied because her housing was not affordable.
5. On November 20, 2012, Claimant filed a hearing request, disputing the Department's actions concerning her MA case, FAP benefits, and SER application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services State Emergency Relief Manual (ERM), and Department of Human Services 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 Mich Admin Code, 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 Mich Admin Code, R 400.7001 through R 400.7049.

Reduction in FAP Benefits

The October 19, 2012, Notice of Case Action the Department sent Claimant notified her that effective November 1, 2012, her FAP benefits would be reduced because her daughter no longer lived with her, resulting in her FAP group size being reduced to one.

FAP group members must live together. BEM 212 (April 1, 2012), p 1. The Department based its finding that Claimant's daughter was no longer in the household on the redetermination Claimant submitted to the Department on July 24, 2012, in connection with her Family Independence Program (FIP) case. That document has a hand-written notation under the school attendance/student status section next to Claimant's daughter's name stating "not in school graduated June 2, 2012, [REDACTED] (Aug 23rd) on campus." Although Claimant contended at the hearing that her daughter continued to live with her while she attended [REDACTED], Claimant was unable to clearly deny that the handwritten notation was not her own. Although Claimant's friend argued that the notation stated "m campus," not "on campus," a review of the document does not support this interpretation. Based on the facts presented, the Department acted in accordance with Department policy when it concluded that Claimant's daughter was no longer residing with Claimant and removed her from the FAP group.

Closure of MA Case

The October 19, 2012 Notice of Case Action the Department sent Claimant notified her that effective November 1, 2012, her MA case would close because she did not meet any of the eligibility requirements. The Department testified that Claimant's MA case closed because she was receiving MA coverage under the LIF program and was no longer eligible once her daughter turned 18. The Department acted in accordance with Department policy when it concluded that Claimant was no longer eligible for MA coverage under LIF-MA. BEM 110 (January 1, 2011), pp 4-5. However, before the closure of a client's MA because of an actual or anticipated change, the Department must conduct an ex parte review to determine a client's eligibility under all MA categories. BAM 210 (October 1, 2012), p 1. While a disability would provide a basis for ongoing MA coverage (BEM 105 (October 1, 2010), p 1) and Claimant indicated at the hearing that she was disabled, Claimant did not identify herself as disabled in the

FIP redetermination she submitted to the Department on July 24, 2012. There was no other evidence that the Department was aware of Claimant's MA disability prior to the case closure. Under the facts before the Department at the time of the case closure, the Department acted in accordance with Department policy when it closed Claimant's MA case.

Denial of SER Application

On October 29, 2012, the Department denied Claimant's SER application for assistance with a shelter emergency on the basis that Claimant's housing was not affordable. Unless a client receives a voucher from one of the housing assistance programs specified under policy, housing affordability is a condition of eligibility for SER benefits for housing relocation services, which include payment of rent arrearage to prevent eviction. ERM 207 (April 1, 2011), p 1; ERM 303 (August 1, 2012), p 3. In order to determine whether the Claimant's housing is affordable, the Department must multiply the group's total net countable income by seventy-five percent. ERM 207, p 2. The result is the maximum total rent the Claimant can have and be eligible to receive SER rent assistance. ERM 207, p 2. An SER application must be denied if the group does not have sufficient income to meet the total housing obligation. ERM 207, pp 1, 2.

In this case, Claimant acknowledged that she did not have any income at the time of her SER application and indicated as such on her application. Under the facts presented, the Department acted in accordance with Department policy when it denied Claimant's application on the basis that her housing was not affordable.

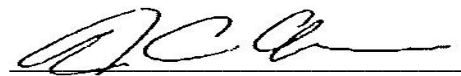
DECISION AND ORDER

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 when it reduced Claimant's FAP benefits, closed Claimant's MA case, and denied Claimant's SER application.

did not act properly when

Accordingly, for the reasons stated on the record and above, the Department's decision is AFFIRMED REVERSED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 6, 2013

Date Mailed: February 6, 2013

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

ACE/hw

cc:

