

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013 21219
Issue No.: 3015, 2001, 1021, 5016, 5026
Case No.: [REDACTED]
Hearing Date: February 13, 2013
County: Oakland (03)

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 February 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payments Supervisor, and [REDACTED], Assistance Payments Worker.

ISSUE

Did the Department properly deny the Claimant's application for the Adult Medical Program, FIP Cash Assistance, Food Assistance and State Emergency Relief for utilities?

FINDINGS OF FACT

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

1. The Claimant applied online for FAP, Medical Assistance (AMP), Cash Assistance and State Emergency Relief on December 27, 2012.
2. The Department denied the Claimant's applications for FIP, AMP and FAP by Notice of Case Action dated December 28, 2012. Exhibit 11.
3. The Claimant provided all the information requested by the Department.

4. As part of the online application the Claimant advised the Department that his employment with [REDACTED] was expected to end in 30 days. The Department did not verify loss of employment. Exhibit 12 pp. 13.
5. The Department denied the application for Medical Assistance because the only program the Claimant would be eligible for, Adult Medical Program (AMP), was closed and not open for enrollment by new applicants.
6. The Claimant is not blind, disabled, over 65 or caretaker of a dependent child.
7. The Department denied the Claimant's application for FIP cash assistance because the Claimant did not qualify by income and was not blind, disabled, over 65 or caretaker of a dependent child.
8. The Department denied the Claimant's FAP application due to excess income as it determined the Claimant's income exceeded the gross income limit of \$1211 per month for a group of one individual.
9. The Department denied the Claimant's request for State Emergency Relief because the gas and electric bills submitted were not in shutoff status, and the SER request for rent assistance was denied due to failure to provide proof of court ordered eviction notice. Exhibit 4, 5 and 6.
10. The Claimant requested a hearing on December 31, 2012 protesting the denial of his application for benefits.

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 AACS, 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.

Additionally, the Department's denial of the Claimant's application with regard to the request for Medical Assistance and FIP Cash Assistance is correct in that the AMP program for medical assistance, which is the only program the Claimant might have qualified for, was closed to new enrollments. Additionally, the requirement for FIP cash assistance requires that an individual be a caretaker of a dependent child, as he is not blind, aged or disabled and thus the Claimant did not qualify for cash assistance. BEM 640 and BEM 210

As regards the application for State Emergency Relief (SER), it is determined that the Claimant was not eligible for utility assistance as his bills were not in shut off status. Claimant may reapply if such status becomes the case. Additionally, the Claimant did not present a basis for rent assistance with regard to eviction, as the Claimant only produced a demand for possession not a court order for eviction or judgment for eviction. Under these circumstances, the Department correctly determined that the Claimant was not eligible for SER as he did not satisfy the requirements to demonstrate an emergency and thus correctly denied the SER application.

As regards the Department's denial of the Food Assistance (FAP) application, it is determined that the Department, as it conceded, should have requested verification of loss of employment on the basis of the Claimant's answer in the application indicating that his job was to end within 30 days. Although it is unclear whether this would change the outcome of the denial of FAP benefits, the Department must determine the benefits correctly. Further, during a review of the online application, Exhibit 12, it was noticed that the Claimant indicated that he was paying child support and no child support

payments were included in the FAP budget presented. Exhibit 12 pp. 16. Therefore, it is determined that the Department's determination cannot be upheld due to the failure to determine whether employment had or was about to end and must recalculate FAP benefits as appropriate.

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 denied the Claimant's application for FIP, AMP and SER for rent and utility assistance.. did not act properly when it denied the FAP application without verifying loss of employment.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record and as set forth in this Decision.

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 reregister the Claimant's application for FAP benefits dated December 27, 2012 and determine eligibility after it determines loss of employment and shall also determine whether child support payments, if any, are required to be included in the FAP benefit calculation in accordance with Department policy.
2. The Department shall issue a FAP supplement, if any, the Claimant was otherwise entitled to receive as appropriate in accordance with Department policy



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

Date Signed: February 20, 2013

Date Mailed: February 20, 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

LMF/cl

cc:

