

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201325837
Issue No.: 3019, 5006
Case No.: [REDACTED]
Hearing Date: March 6, 2013
County: Wayne (#17)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted from Detroit, Michigan on Wednesday March 6, 2013. The Claimant appeared and testified. [REDACTED] appeared as an interpreter for Claimant. Participant on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department properly closed Claimant's Food Assistant Program (FAP) for failure to comply with the verification requirements?

Whether the Department properly processed the Claimant's application for State Emergency Relief ("SER")?

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 was an ongoing recipient of FAP benefits.
2. On October 9, 2012 Claimant was sent a verification checklist which required her to submit verification of shelter expenses and assets by October 19, 2012. (Exhibit 1)
3. Claimant did not submit the necessary verification by October 19, 2012.

4. On October 23, 2012 the Department sent Claimant Notice of Case Action informing her that the FAP case would close effective December 1, 2012, for failure to verify necessary information. (Exhibit 2)
5. The Claimant submitted a quit claim deed to the Department, which was not accepted as proof of shelter expenses.
6. The FAP benefits closed effective November 30, 2012. Claimant re-applied and was approved for FAP benefits as of January 11, 2013. (Exhibit 4)
7. Claimant submitted an SER application for utility services in December 2012.
8. On December 21, 2012 the Department sent Claimant a SER Decision Notice informing her that the utility service request was approved, provided she made a payment of \$927.45 which included \$281.45 for unmet required payments (shortfall) and \$646.00 for income/asset co-payment. The proof of payment was due by January 3, 2013. (Exhibit 3)
9. The Department did not receive the required proof of payment from Claimant and closed the utility service SER approval as of January 3, 2013.
10. Claimant submitted a request for hearing on January 22, 2013 disputing the closure of her FAP benefits and not receiving SER assistance with utility service as requested.

CONCLUSIONS OF LAW

Department of Human Services (DHS) policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

FAP

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 1997 AACR 400.3001-3015

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (September 2012), p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (May 2012), p. 1. The client must obtain the required verification, however, the Department must assist if needed and/or requested. BAM 105, p. 8; BAM 130, p. 3. If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130, p. 3. If no evidence is available, the Department should use its best judgment. BAM 130, p. 3. Client's are allowed 10 calendar days (or

other time limit specified in policy) to provide the requested verifications. BAM 130, p. 5. For FAP, a negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5. Verification of assets is required in determining FAP eligibility.

In this case, the Department sent Claimant a verification checklist requesting verification of shelter expenses and assets by October 19, 2013. Claimant provided some documentation, but it did not contain the necessary information for the Department to make an accurate determination. Claimant was instructed on what information to submit that would satisfy the required verification. She did not submit the necessary information by December 1, 2013. Claimant provided additional information to the Department on January 4, 2013 by fax (a month after the case went into closure). Claimant re-applied for FAP benefits, which were approved as of January 11, 2013. The record supports a finding that the Department acted in accordance with policy in the closure of Claimant's FAP benefits.

SER

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, Rules 400.7001 through Rule 400.7049. Department of Human Services', formerly known as the Family Independence Agency, policies are found in the Emergency Relief Manual ("ERM").

SER prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (October 2011) p. 1. SER helps to restore or prevent shut off of a utility service to include water services. ERM 302 (October 2011), p. 2. SER group members must use their available income and cash assets that will help resolve the emergency. Bridges system determines eligibility or ineligibility for each SER application and service requested. The Department verifies the information, certifies the eligibility results and authorizes the payment. The utility required payment must be met before utility services are authorized. Required payments are determined based on the group size, the group's income and the obligation to pay for the service that existed during each month of the six months prior to application. ERM 208, p. 3. If the client failed without good cause to make required payments, a short fall amount is determined. Any SER shortfall payments cannot be waived. ERM 302, p. 2.

In this case, the Department approved the Claimant's SER application requiring the Claimant meet a co-pay of \$927.45, which included an unmet shortfall payment and income/ copayment by January 3, 2013. The Claimant did not provide proof of making the required payment which resulted in the closure of the SER application. Before the Department can authorize any portion of the cost of services, it must verify that the income/ asset copayment, shortfall, and contribution have been paid by the client or will be paid by another agency. ERM 302, p. 3. Accordingly, the Department acted in accordance with policy when it closed the SER application.

The Claimant previously provided financial information to the Department which indicated that she had approximately \$632.00 in her checking account. This asset amount was included in the SER budget when determining the SER eligibility and resulted in the income co-payment amount. Claimant asserts that she has no money in her checking account because it is all used for bills. Claimant may reapply for SER benefits at anytime with updated or corrected financial information.

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 acted properly in the closure of Claimant's FAP case, effective December 1, 2012, for failure to return required verifications. The Department further established it acted in accordance with department policy when it closed the Claimant's SER application on January 3, 2013 after the Claimant failed to meet the required co-payment.

Accordingly, the Department's decision is hereby, **AFFIRMED**.

/s/ _____
MICHELLE HOWIE
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 3/13/2013

Date Mailed: 3/13/2013

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

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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

MH/hw

cc:

