

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201328268
Issue No.: 5008, 3008
Case No.: [REDACTED]
Hearing Date: March 13, 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 13, 2013. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Child Support Specialist).

ISSUE

Whether the Department properly denied the Claimant's application for State Emergency Relief (SER) utility service?

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 was an ongoing FAP recipient.
2. On January 15, 2011, the Office of Child Support ("OCS") sent a Non-Cooperation Notice to the Claimant informing her that she was found to be non-cooperative, based on the failure to attend two appointments with the Prosecuting Attorney's Office on 12/29/10 and 1/13/11. (Exhibit 4)
3. On February 16, 2011, the Department sent Notice of Case Action informing Claimant of the reduction in FAP benefits to \$200.00 effective March 1, 2011, as

the result of the removal of one group member due to non-compliance with Child Support. (Exhibit 2)

4. On January 16, 2013, Claimant submitted an application for SER utility services.
5. On January 18, 2013, the Department sent Claimant notice of denial of the SER application for failure to cooperate with child support. (Exhibit 1)
6. On January 29, 2013, the Department received Claimant's request for hearing disputing the denial of the SER application and reduction of her FAP benefits due to the child support sanction.
7. The OCS removed Claimant's child support sanction the date of hearing, effective as of December 18, 2012, because the child support case was transferred from Oakland to Wayne County.

CONCLUSIONS OF LAW

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

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 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

Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support ("OCS"), the Friend of the Court, and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255 (December 2011). Cooperation is a condition of eligibility. BEM 255. The head of household and the parent of children must comply with all requests for action or information needed to establish paternity and/or obtain

child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255.

For FAP and MA purposes, the failure to cooperate without good cause results in member disqualification. BEM 255. The remaining eligible group members will continue to receive benefits. BEM 255. Bridges will not restore or reopen benefits for a disqualified member until the client cooperates (as recorded on the child support non-cooperation record) or support/paternity action is no longer needed. BEM 255. A Disqualified member is returned to the eligible group the month after cooperation or after serving the one-month disqualification, whichever is later. Notably, Claimant was sent notice of the Department's action to decrease her FAP benefits as the result of a child support sanction on February 16, 2011.

A client that is non-cooperative with the Office of Child Support is also ineligible for SER benefits. ERM 203 (April 2011), p. 2. SER ineligibility continues as long as the client fails or refuses to pursue potential resources. Sanctioned clients are ineligible for SER until they comply. Here, Claimant was not determined to be compliant with OCS until after the Department denied the SER application. Accordingly, the Department acted in accordance with policy when it denied Claimant's SER application. Claimant may reapply for SER benefits at any time.

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 decreased Claimant's FAP benefits; and when it denied her SER application on January 18, 2013.

Accordingly, the Department's actions are hereby, **AFFIRMED**.

M. Howie

MICHELLE HOWIE
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/20/2013

Date Mailed: 3/20/2013

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

MH/hw

cc:

