

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-28966  
Issue Nos.: 2028, 3014, 5012, 6019  
Case No.: [REDACTED]  
Hearing Date: March 11, 2013  
County: Oakland (04)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**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 March 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and her sister, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist and [REDACTED], Family Independence Manager.

**ISSUE**

Did the Department properly  deny Claimant's application  close Claimant's case for:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> State Emergency Relief (SER)?  | <input type="checkbox"/> Adult Medical Assistance (AMP)?              |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)?           |
| <input checked="" type="checkbox"/> Medical Assistance (MA)?       | <input checked="" type="checkbox"/> Child Development and Care (CDC)? |

**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  applied for benefits  received benefits for:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> State Emergency Relief (SER).  | <input type="checkbox"/> Adult Medical Assistance (AMP).              |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA).           |
| <input checked="" type="checkbox"/> Medical Assistance (MA).       | <input checked="" type="checkbox"/> Child Development and Care (CDC). |

2. On January 27, 2013, the Department closed Claimant's CDC benefits due to the fact that she was unemployed and had no need for childcare services.
3. On January 28, 2013, the Department denied Claimant's SER application based on a determination by the Department that her housing was unaffordable for her on a continuing basis.
4. On March 1, 2013, the Department closed Claimant's FAP case due to the fact that Claimant was living with her sister and was eligible as a member of her sister's FAP group.
5. The Department has not denied Claimant Medicaid benefits.
6. On January 28, 2013, the Department sent  
 Claimant       Claimant's Authorized Representative (AR)  
notices of the       denial of SER benefits and       closure of CDC and FAP  
benefits.
7. On February 4, 2013, Claimant filed a hearing request, protesting the  
 denial of the SER application.       closure of the CDC, MA and FAP cases.

### **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 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 1999 AC, Rule 400.3001 through Rule 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 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 1999 AC, Rule 400.5001 through Rule 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 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, there are four separate programs in dispute in this case: Medicaid (MA), Food Assistance Program (FAP), State Emergency Relief (SER) and Child Development and Care (CDC). Each of them will be addressed individually in this decision.

Looking first at Medicaid benefits, Claimant testified that on January 28, 2013 she was denied a prescription because she had no MA coverage. She called the Department and coverage was restored immediately. However, Claimant paid for the prescription herself and failed to request that the pharmacy submit her expense to Medicaid for reimbursement.

At the hearing, the Department testified that the correct procedure for reimbursement when there is Medicaid coverage, is to go to the pharmacy and have the pharmacy request reimbursement from Medicaid. Then, the pharmacist will reimburse the Claimant. Claimant was advised to follow this procedure.

Bridges Administrative Manual (BAM) 105, "Rights and Responsibilities," requires the Department to protect clients' rights to benefits. Department of Human Services Bridges Administrative Manual (BAM) 105 (2012). It is found and determined that the Department acted in accordance with this procedure and restored Claimant's coverage immediately on the same day. It is now Claimant's obligation, if she wishes reimbursement, to follow the procedure laid out for her.

Second, with regard to FAP, in this case the Claimant reported she moved in with her sister in January or February, 2013. While living with her sister, she shared food with her sister. Bridges Eligibility Manual 212, "Food Assistance Program Group Composition," states that family members who live together and share food are considered a single family group. Department of Human Services Bridges Eligibility Manual (BEM) 212 (November 1, 2012), p. 2. Having taken into consideration BEM 212 and all of the evidence in this case as a whole, it is found and determined that Claimant was not entitled to FAP benefits separate from her sister, and the Department acted correctly in adding Claimant and her children to the sister's FAP group. The Department is affirmed.

The third issue in this case is the issue of SER benefits. Claimant's SER application is dated January 25, 2013. Claimant requested \$590 for a month's rent and \$590 for a security deposit. Claimant's income for January, 2013, was \$425 in child support. She began a job in January but was not paid until February. Based on lack of sufficient income to pay \$590 rent on a continuing basis, the Department denied emergency relief.

The Department's Emergency Relief Manual (ERM) 207, "Housing Affordability," states that SER is approved only when the customer has enough income to meet *ongoing* housing expenses. Department of Human Services Emergency Relief Manual (ERM) 207 (2011), p. 1.

At the time of Claimant's application on January 25, 2012, her only income was \$425 child support. Although she began a job in late January, she was not paid until February, 2013. Therefore it is found and determined that at the time of application Claimant had only \$425 per month income, which was insufficient to cover the amount of her monthly rent, not to mention any other expenses. Based on her income for January, the Department was correct in determining that she could not move into a \$590 per month apartment and sustain it on her own. The Department is affirmed as to the denial of SER benefits in this case.

The fourth and last issue in this case is CDC benefits. On January 7, 2013, Claimant completed a Redetermination form, providing current income and asset information to the Department. She stated she was unemployed. Claimant's CDC benefits were terminated effective January 27, 2013.

Bridges Eligibility Manual (BEM) 703 (2012), "CDC Program Requirements," states that the customer must prove there is a need for childcare services, for one of four reasons: family preservation, completion of high school, an approved activity, or employment. Department of Human Services Bridges Eligibility Manual (BEM) 703 (2012), p. 3. In this case Claimant did not need childcare for any of the four accepted reasons, and the Department denied benefits to her on that basis. *Id.* Accordingly, it is found and determined that the Department acted correctly in closing Claimant's CDC benefits.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application       improperly denied Claimant's application  
 properly closed Claimant's case               improperly closed Claimant's case

for:  SER    FIP    FAP    MA    SDA    CDC.

### **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.

Accordingly, the Department's  SER  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.



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**Jan Leventer**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 11, 2013

Date Mailed: March 11, 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

JL/tm

cc:

