

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

IN THE MATTER OF:



Reg. No.: 201337988
Issue No.: 5026, 3002
Case No.: [REDACTED]
Hearing Date: April 29, 2013
County: Wayne County (#76)

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 on Monday, April 29, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Assistant Payment Worker) and [REDACTED] (Assistant Payment Supervisor).

ISSUE

Whether the Department properly processed the Claimant's request for State Emergency Relief (SER) relocation services?

Whether the Department properly determined the Claimant's Food Assistance Program (FAP) allotment?

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 is an ongoing FAP recipient that receives \$710/monthly unearned SSI income with a group size of 1.
2. On March 27, 2013, the Department received the Claimant's SER application for relocation services due to a house fire, requesting \$500 for rent and \$500 for security deposit.

3. On March 27, 2013, the Department sent Notice of SER Decision approving Claimant's request pending proof of Claimant paying \$590 for required co-payment (\$265) and contribution (\$325) by April 25, 2013. (Exhibit 1)
4. On April 18, 2013, the Department received the Claimant's proof of payment of the required \$590.
5. As of February 1, 2013, the Claimant's FAP benefits were restored to \$200 as the result of the Department processing a prior SER application.
6. The Claimant's FAP benefits were reduced for the months of November 2012, December 2012 and January 2013.
7. On April 1, 2013, the Department received the Claimant's written hearing request protesting the SER determination and the amount of FAP allotment for November 2012, December 2012 and January 2013.

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).

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 assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (August 2012), p. 1. The issuance amount must resolve the group's shelter emergency. To be eligible for SER relocation services individuals must meet certain criteria which include showing homelessness. If approved the Department will authorize the amount the SER group needs to keep or obtain permanent shelter, up to the maximum amount allowed for Relocation Services for the client's group size. ERM 303, p. 5. The Department will authorize and issue payment for all SER covered services using the DHS-849, Authorization/Invoice form. All SER service providers must be enrolled in the Department's system before payment can be issued. There is a 30 day authorization period from the date of application. ERM 401 (March 2013), p. 2.

In this case, the Claimant submitted an application for SER benefits to assist with relocation services due to a house fire. The Department approved the request provided the Claimant pay \$590 towards the \$1000 that she requested. The Department

presented an SER budget showing that the income need standard for a group size is 1 is \$445 and based on the Claimant's countable income of \$710 she has a required co-payment of \$265, the difference between her income and the income standard amount. (see Exhibit 3) In addition the total maximum amount allowed to assist with relocation services for a group size of 1 is \$410. ERM 303, p. 6. The Claimant is required to contribute the remaining amount (\$590) to meet the full amount requested (\$1000). In reviewing the budget, the Department established it acted in accordance with policy when it determined the Claimant's SER contribution amount.

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.

In regards, to the Claimant's FAP allotment for the months of November 2012, December 2012 and January 2013, Claimant testified credibly, that her FAP benefits was \$200 as of October 2012 but then reduced for the subsequent three months with no explanation provided. She spoke with her Department worker several times regarding the FAP allotment and was told it would be fixed. According to the Department representative, the Claimant's FAP allotment was restored to \$200 as of February 1, 2013 but no supplement for lost benefits was issued. I find the Department was aware of the Claimant's dispute with the amount of FAP allotment issued for the period in question. At hearing, the Department did not present any FAP budgets or notices of case actions indicating the reason for the change in Claimant's FAP allotment. Therefore, the Department did not present sufficient testimony or documentary evidence to establish it acted in accordance with policy with regards to the Claimant's FAP allotment for the period in question.

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 in accordance with policy in the processing of the Claimant's March 27, 2013 SER application but did not properly determine the Claimant's FAP allotment for the period of November 2012 thru January 2013.

Accordingly, the Department's SER determination is hereby, **AFFIRMED**.
The Department's FAP determination is hereby, **PARTIALLY REVERSED**.

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 recalculate the Claimant's FAP allotment for November 2012 through January 2013, and issue a supplement for lost FAP benefits (if any) if otherwise eligible and qualified in accordance with policy.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/6/2013

Date Mailed: 5/6/2013

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

MH/hw

cc:

