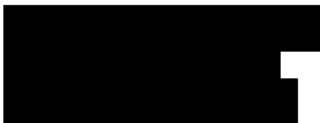


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2013-42145
Issue No.: 1034; 5022
Case No.: [REDACTED]
Hearing Date: July 31, 2013
County: Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 July 31, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Jobs, Education and Training (JET) Case Manager.

ISSUES

Did the Department properly process Claimant's Family Independence Program (FIP) benefit payments for March and April 2013?

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance for property taxes?

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 was an ongoing recipient of FIP benefits. See Exhibit 1.
2. On an unspecified date, Claimant attended her triage and the Department found good cause and removed Claimant's FIP sanction.
3. On February 1, 2013, Claimant applied for SER assistance for property taxes and heat assistance.

4. On February 4, 2013, the Department sent Claimant a SER Decision Notice, which approved Claimant for heat assistance in the amount of \$ [REDACTED] Exhibit 1.
5. On February 4, 2013, the SER Decision Notice also denied Claimant's request for property taxes in the amount of \$ [REDACTED] due to Claimant's home ownership not meeting the program requirements. Exhibit 1.
6. On April 15, 2013, the Department received Claimant's hearing request, protesting the SER denial and FIP benefits. Exhibit 1.

CONCLUSIONS OF LAW

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

Preliminary matters

As a preliminary matter, Claimant applied for SER assistance for property taxes in April 2013 as well. The Department denied Claimant's SER assistance again for property taxes on April 22, 2013. See Exhibit 1. Claimant's hearing request is dated April 15, 2013. See Exhibit 1. This hearing decision cannot address any subsequent actions after the hearing request. Thus, this hearing decision can only address Claimant's first SER denial on February 4, 2013. See BAM 600 (February 2013), pp. 3-4.

FIP benefits

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.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2013), p. 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. BEM 230A, p. 1. PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A (January 2013), p. 7. Good cause is determined during triage. BEM 233A, p. 7. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person and must be verified. BEM 233A, p. 3. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation,

no child care, no transportation, illegal activities, discrimination, unplanned event or factor, long commute or eligibility for an extended FIP period. BEM 233A, pp. 3-5.

In this case, Claimant's FIP case was originally sanctioned for the benefits periods of March 1, 2013 through May 31, 2013. However, Claimant testified that she attended her triage and stated that the Department determined that she should have not been sanctioned and that her FIP benefits be reinstated. The Department agreed that Claimant should have not been sanctioned. Claimant testified, though, she only received her May 2013 benefits, but not her March through April 2013 benefits.

A review of Claimant's Eligibility Summary indicates that she did not receive FIP benefits for March and April 2013. See Exhibit 1. Based on this information and evidence, Claimant is entitled to FIP benefits for the months of March and April 2013.

SER benefits

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 Department of Human Services State Emergency Relief Manual (ERM).

On February 1, 2013, Claimant applied for SER assistance for property taxes and heat assistance. On February 4, 2013, the Department sent Claimant a SER Decision Notice, which approved Claimant for heat assistance in the amount of \$ [REDACTED] Exhibit 1. On February 4, 2013, the SER Decision Notice also denied Claimant's request for property taxes due to Claimant's home ownership not meeting the program requirements. Exhibit 1.

SER helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304 (August 2012), p. 1. Home ownership services include property taxes and fees. ERM 304, p. 1. The lifetime home ownership services maximum is \$ [REDACTED] ERM 304, p. 1. The Department also requires verification of home ownership services. See ERM 304, pp. 5-6.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (August 2012), p. 5. The due date is eight calendar days beginning with the date of application. ERM 103, p. 5. The Department uses the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 5. The client must make a reasonable effort to obtain required verifications. ERM 103, p. 5. The specialist must assist if the applicant needs and requests help. ERM 103, p. 5. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, the Department uses the best available information. ERM 103, p. 5. If no evidence is available, the specialist must use their best judgment. ERM 103, p. 5.

At the hearing, the Department testified that Claimant was denied due to her not providing verification of home ownership and that her shelter was not affordable. The Department testified that it did not send a Verification Checklist (VCL) to the Claimant. Claimant testified that she did provide the Department with proof of her home ownership. Moreover, Claimant testified that the SER Decision Notice does not mention that she was denied based on her shelter not being affordable. See Exhibit 1. The SER Decision Notice only states that her home ownership does not meet the program requirements. Exhibit 1.

Based on the foregoing information and evidence, the Department improperly denied Claimant's SER assistance request for property taxes. The Department testified that it did not receive proof of home ownership records based on the February 4, 2013 SER Decision Notice. Claimant testified that she did submit such documents. Nevertheless, the Department failed to send Claimant a SER Verification Checklist requesting such documentation. ERM 103, p. 5. Thus, the Department must reprocess the application and request proof of home ownership.

DECISION AND ORDER

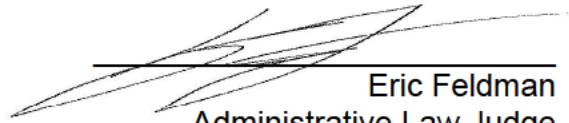
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department (i) did not properly process Claimant's FIP benefit payments for March and April 2013 and (ii) improperly denied Claimant's SER assistance request for property taxes effective February 4, 2013.

Accordingly, the Department's FIP and SER decision is REVERSED for the reasons stated above and on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Begin reinstatement of Claimant's FIP case for March and April 2013;
2. Begin recalculating the FIP budget for March and April 2013 in accordance with Department policy;
3. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not for March and April 2013;
4. Initiate reregistration and processing of Claimant's February 1, 2013, SER application;
5. Begin issuing supplements to Claimant for any SER benefits she was eligible to receive from the February 1, 2013 application; and

6. Begin notifying Claimant in writing of its FIP and SER decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 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 affect the substantial rights of the claimant,
 - 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

EF/hj

cc:

